HOUSE OF REPRESENTATIVES—*Wednesday, July 17, 1991*

The House met at 10 a.m.

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

Teach us, O God, to understand that the opportunities and responsibilities of daily living are a gift that is to be celebrated today and in all the days that may be ours. We admit how easily we keep hold on what is past and we repeat in our minds the failures and the sins of other days. Grant to us, O loving God, the grace to let go of the delinquencies of other times. Fill our hearts with wisdom and permeate our lives with joy for the new day before us that we will be the people You would have us be and do those good things that honor You and do justice for all people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. EVANS] please come forward and lead the House in the Pledge of Allegiance.

Mr. EVANS 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.

MESSAGE FROM THE SENATE

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

H.R. 153. An act to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes.

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. 985. An act to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region.

IN SUPPORT OF H.R. 5

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

Mr. RUSSO. Mr. Speaker, I rise today in strong support of H.R. 5, legislation which will restore the balance between labor and management in the collective bargaining process. This balance has been severely disrupted over the last decade by ruthless employer tactics. By closing a loophole in labor law and banning company practices that have subverted the promises and protections of the National Labor Relations Act, H.R. 5 will reaffirm the promise made to American workers more than 50 years ago when the NLRA guaranteed basic workplace protections.

Simply stated, H.R. 5 would prohibit employers from punishing workers who exercise their legal right to engage in a lawful economic strike to improve their working conditions. And what has the punishment been? Permanent replacement. In other words, workers who are permanently replaced are fired from their jobs for exercising their collective-bargaining rights.

Business opponents of H.R. 5 charge that this bill would permit and even encourage any disgruntled workers to protest their working conditions and walk off their jobs—leading to virtual chaos in the workplace.

Nothing could be further from the truth. The bill has no application to employees in nonunion settings. The chief sponsors of the legislation have stated repeatedly that H.R. 5, when it was drafted, was intended to protect only workers in unionized settings. During markup in the three House committees with jurisdiction over H.R. 5—the Committees on Education and Labor, Energy and Commerce, and Public Works and Transportation—each of the committees accepted an amendment clarifying this important point. The Congressional Research Service analyzed the approved committee language and concluded as well that H.R. 5 applies only to union workers.

I urge my colleagues to vote for H.R. 5 and repair the damage that has been done to fair and balanced collective bargaining in this country. Enactment of H.R. 5 is long overdue.

TRIBUTE TO FRANK RIZZO

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

Mr. WELDON. Mr. Speaker, yesterday a part of Philadelphia died when former Mayor Frank Rizzo died of a heart attack at his campaign headquarters in center city. But today, as we mourn his death, we celebrate the fullness of his life. In many ways Frank Rizzo lived the American dream. A high school dropout from Philadelphia's ethnic wards, he worked his way up to become police commissioner and mayor of the city he loved. He was a larger-than-life crime fighter, a tough, honest cop.

He was a hard-charging mayor who always put his city first. He was a loyal and devoted husband and father.

It is fitting that Frank died during a campaign because campaigning is what he loved best. Anyone who campaigned with Frank can attest to his boundless enthusiasm and limitless energy.

He loved the people and they loved him. Few politicians in Philadelphia history or even American history had as loyal a following as Frank Rizzo.

Yes, Frank Rizzo made enemies, as any leader with drive and determination was bound to do, but whether we agree or disagree with Frank's policies, we could all agree that he spent his entire life working to make Philadelphia a better place.

His attitude of dedication and service is one to be emulated by young people in Philadelphia and across America.

Yesterday Philadelphia lost one of its favorite sons. His city, our country will miss him deeply.

PROVIDING FOR CONSIDERATION OF H.R. 5, WORKPLACE FAIRNESS ACT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 195 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 195

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, with one hour to be equally divided and con-

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trolled by the chairman and ranking minority member of the Committee on Education and Labor, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text printed in part 1 of the report of the Committee on Rules accompanying this resolution as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be considered as having been read. No amendment to said substitute shall be in order except the amendments printed in part 2 of the report of the Committee on Rules. Said amendments shall be considered in the order and manner specified and shall be considered as having been read when offered. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report. All points of order against the amendment offered as a substitute by Representative Goodling of Pennsylvania for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 195 provides for the consideration of H.R. 5, legislation to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

Mr. Speaker, the rule provides a total of 2 hours of general debate time.

One hour is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. Thirty minutes will be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce with the remaining one-half hour equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation.

The rule makes in order an amendment in the nature of a substitute printed in part 1 of the report accompanying the rule as an original bill for the purpose of amendment. This amendment is the bill as reported by the Committee on Education and Labor and as amended by the Committees on Energy and Commerce and Public Works and Transportation. The substitute will be considered as having been read.

Only two amendments are made in order under the rule. Both are printed in part 2 of the report accompanying the rule. Each amendment shall be considered as having been read and shall be considered in the order and manner specified in the report. The amendments are not subject to amendment except as specified in the report.

The first amendment is an amendment in the nature of a substitute to be offered by Representative PETERSON of Florida or his designee. The second amendment is to be offered by Mr. GOODLING of Pennsylvania or his designee.

The Goodling amendment is a substitute amendment and is in order as an amendment to the Peterson of Florida substitute. The Goodling substitute will be offered, debated in its entirety and disposed of before the Peterson substitute is debated. No other amendment is in order. Each amendment is debatable for 1 hour.

The rule waives clause 7 of rule XVI against the Goodling substitute. This waiver is necessary for nongermane provisions contained in the amendment. The previous question shall be considered as ordered on the bill. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I rise in strong support of the rule and of H.R. 5. Swift passage of this rule will allow us to begin to debate responsibly, this critical issue of survival for the collective bargaining process for America's labor force. According to the law, workers may not be fired for engaging in a strike. Section 13 of the National Labor Relations Act guarantees them that right. However, they may be permanently replaced in those jobs if their employers desire to hire replacement workers. So, whether or not an individual can be fired does not really matter. In the end, he or she still loses the job. And whether it is through firing or replacement—it's still job loss because of a strike.

This rather confusing, and certainly unfair, policy came about as a result of a 1938 Supreme Court ruling known as Mackay Radio. Mackay Radio said that during an economic strike, strikers may be permanently replaced by newly hired employees. In the first 40 years following this ruling, there were few instances of employers actually hiring permanent replacements. However, the last decade has seen a dangerous trend evolve, as an alarming number of employers have deliberately hired permanent replacements to avoid addressing the valid concerns and complaints of their employees.

Beginning with the replacement of the PATCO workers in 1981 and leading up to more recent examples of Greyhound and Eastern Airlines—the practice of permanently replacing striking employees has also turned into a tool for those businesses more interested in union busting than in negotiating in good faith. Such actions effectively prevent union members from exercising their right to strike under the National Labor Relations Act as well as the Railway Labor Act. How can employees enter into collective bargaining when their employers know that by simply hiring replacement workers, they preclude any leverage those same workers may have at the bargaining table?

This legislation is critically important to American workers who in the past decade in particular have seen their hard-earned wages and benefits eroded by employers who are more concerned about mergers, leveraged buyouts, and short-term profits, than in achieving and maintaining a long-term economic growth through a productive, experienced, and reliable work force. H.R. 5 would overturn the Mackay and other subsequent rulings that unfairly undermine the rights of employees in favor of business concerns.

Passage of this bill would help put employers and employees on a level playing field. It is to the advantage of both business and labor if workers can go to the bargaining table and engage in debate, free from fear of arbitrary job loss. I hope Members will join with me in supporting the rule and in supporting H.R. 5.

□ 1010

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

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with all due respect to our chairman, I rise in strong opposition to this rule for H.R. 5, the so-called striker replacement bill. This rule might aptly be called the representative democracy displacement rule since it substitutes the judgment of the majority leadership for that of the 435 freely elected Members of this House.

Generally, you can tell how bad a bill is by how bad the rule is. H.R. 5 is no exception.

It is ironic, Mr. Speaker, that as dictatorial governments around the world are allowing democracy to flourish, democracy does not flourish in the House of Representatives. The title of the bill

is the Workplace Fairness Act, yet there is nothing fair about the procedures we are following to consider this bill.

For example, the Rules Committee not only rejected on a party line vote our attempt to get an open rule, it also rejected our efforts to make in order four amendments that were submitted to the Rules Committee by its 5 o'clock deadline on Monday. These amendments would substantively improve H.R. 5 and increase its likelihood of passage. They include the amendment offered by the gentleman from Texas [Mr. ARMEY], restating that employers are not required to rehire employees who engage in violence during a strike; the amendment by the gentleman from Tennessee [Mr. DUNCAN], excluding small businesses, most of which operate at the margin; and two amendments by the gentleman from Pennsylvania [Mr. RIDGE], that would establish a 12-week cooling-off period if a strike is ordered and management seeks to hire permanent replacements.

Let me just add that I suppose we should be thankful that Republicans will, at least, be granted our right to offer a motion to recommit with or without instructions. Frankly, it has always been a bone of contention with both sides on the Rules Committee, and I am pleased to see it included in this rule.

Mr. Speaker, as I mentioned, there is an observable pattern in the House whereby bad rules accompany bad bills. If enacted, H.R. 5 will destroy the very incentives that have led to 53 years of relative cooperation between management and labor. It will cause highly skilled American jobs to move overseas. It will allow unions, which make up only 12 percent of the work force, to increase their economic clout in far greater proportion to their representation in the labor market. And it will relieve labor leaders of the responsibility for being accountable for their actions when asking rank-and-file members to go on strike.

The truth is, H.R. 5 does not address any loophole, either perceived or real. Employers have had the right to hire permanent replacement workers for over 50 years. It's ironic, Mr. Speaker, that even President Carter rejected a ban on permanent replacement as dangerously destabilizing the management-labor balance.

American businesses are much more competitive than they were 10, 20, or 30 years ago. Today, many firms are unable to bear the costs of a plant shutdown. Unless H.R. 5 is open to amendments, it is a prescription for economic decline.

Mr. Speaker, let us demonstrate that we have not lost faith in the ability of this House to freely work its will. Vote down this rule so that we can restore a little workplace fairness to the workplace of the people's Government.

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

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, by adopting a loophole in the law which allows them to permanently replace strikers, many large corporations like Greyhound and Eastern Airlines have thrown long-term employees out on the street and broken pension and health agreements.

This unfair tactic hurts more than just union workers and their families. Replacement workers are less skilled, they are paid less and are less productive. Thus local businesses, local economies, and local tax bases also suffer.

Countries like Japan and Germany guarantee the right of reinstatement after a strike. Apparently they recognize the necessity of a highly skilled work force in providing prosperity and economic stability. It is time for our country to do the same, and that is why I urge my colleagues to support H.R. 5 and this rule.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from New York [Mr. HOUGHTON], who is making a valiant attempt to amend this bill.

□ 1020

Mr. HOUGHTON. Mr. Speaker, I am going to vote against this rule. It is not because I do not respect the chairman of the Committee on Rules and the Members on it. It is not that I resent the fact that Democrats have control over this. It is not that I resent the fact that my amendment, the one that the gentleman from Pennsylvania [Mr. RIDGE] and I suggested, was not allowed.

However, I do think that it is wrong to have what was considered at that time a flawed amendment be approved, and something which was really a middle ground amendment not approved, which was ours. I frankly think that this system is crazy, the people are great. However, to allow that type of thing to happen is wrong because what I think it does, is it deprives the members of unions, as well as management, from seeking another option.

I feel as if I speak in DC and get a reaction in terms of AC. Let me tell Members what our bill does, although I think it is fruitless to mention it now because it will not see the light of day.

It recognizes two things: that there is an unfair condition at this moment; that ever since the firing of the air controllers, the extreme people in management have taken it upon themselves to have immediate response and give permanent replacement status to some of their workers. That is wrong. That was never the intent of the Wagner Act. That was never any intent of any of the labor decisions that have come along.

The problem it puts everyone in is that many Members on this side of the aisle believe in unionism, have worked with the unions, have arbitrated with them, but we find ourselves in the position whether it is one extreme or the other. On the other hand, Members may find themselves in a situation where somehow they must protect those who are risking everything they have to try to start and run a business. We have H.R. 5 on one hand, and we have the extreme of what is happening now on the other: Neither one is satisfying, neither one protects both, and neither one, really, is fair.

The situation that we tried to grapple with, is this basic underlying psychology that nobody wants to hire a permanent replacement or a temporary replacement. However, we have to have some discipline. When we hire a replacement, we poison the well. We ruin the relationship, the underlying trust that exists between management and labor. No person wants that. However, if a person feels that they can hire one just like that, or on the other hand, they never can hire, they have no situation which they can begin to bargain and negotiate reasonably. Therefore, I think this is an unfair rule for not allowing this bill, which we propose and is a middle ground, to be exposed, to protect those people which I think are now going to be unprotected, because this bill is not going to go anyplace. H.R. 5 is not going to go anyplace.

What we are trying to do, rather than getting gas off our stomach and making everyone feel good, we would like to have something which is a practical base for negotiations. I do not think, unfortunately, that is possible at the moment.

Therefore, I will vote against the rule, and I will vote against H.R. 5, reluctantly, and hope that at another time, at another day, we will be able to see the light of day in something that I think is a reasonable compromise.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, when President Reagan fired the air traffic controllers in 1981, his message was clear. He said, "It is OK to hire scabs."

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman will state his parliamentary inquiry.

Mr. ARMEY. Mr. Speaker, is it parliamentarily acceptable to use the word "scabs" in floor debate?

The SPEAKER pro tempore. The Chair knows of no prohibition against the use of that word.

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

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

Mr. ARMEY. Mr. Speaker, is it acceptable, then, for me to refer to people who represent unions as goons?

The SPEAKER pro tempore. The Chair knows of no prohibition against the use of that word.

Mr. ARMEY. Thank you, Mr. Speaker.

Mr. TRAFICANT. Mr. Speaker, I ask the chairman of the Committee on Rules for 3 minutes uninterrupted so I can proceed with my statement.

Mr. MOAKLEY. Mr. Speaker, I have no objection to yielding 6 additional minutes to the gentleman from Ohio.

In answering the gentleman from Texas, I hope those are the only two four-letter words we hear on the floor from the gentleman from Texas.

Mr. TRAFICANT. Mr. Speaker, continuing my statement, when President Reagan fired the air traffic controllers and the labor unions of this country turned their back and created a work climate that has produced an America with chief executive officers with golden parachutes, with American workers being thrown out, here is exactly what happened: President Reagan said, "It is OK to hire scabs." Scabs. Big business took it a step further. They said, "We will not only hire those scabs, we will keep those scabs on the job permanently."

That is exactly what happened. Let there be no mistake, we have that condition today. Since 1985, 20 percent of all strikes have had scabs gaining permanent jobs.

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

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, does the gentleman know what the word "scab" means in a very, very common parlance of the union movement?

Mr. TRAFICANT. Perhaps the gentleman could tell me on that.

Mr. ARMEY. The word is derived from the works of Jack London, and it was originated as an expression he coined, that a person who decides not to choose to join a union, would not make a scab on a good worker's rear end.

I wonder if the gentleman, understanding that, would recognize that I have never joined a union, and I have, in fact, crossed picket lines. Would the gentleman then suggest that, therefore, I am a scab?

Mr. TRAFICANT. Mr. Speaker, reclaiming my time, if the definition would so apply to the gentleman and he would, in fact, place that definition on himself by his own words, let that be his decision, not mine.

All I am saying is that I come from a district that fought to get workers' rights, and I see Members in Congress here with a pen and pencil just sending those rights down the drain every day.

I will now go on with my statement. I think what I am saying here today is, it has gotten so bad for the American worker, that while Congress will protect flag burners, they will not, in fact, allow American workers to carry a picket sign without the veiled threat that they are not only going to lose their jobs, but lose them forever.

Mr. Speaker, since 1985, 20 percent of all strikes had scabs hired permanently, and one-third of all strikes since that time, American business has threatened the American workers with the permanent replacement of their job.

The last 12 years, we lost about 55,000 jobs. Since the air traffic controller situation, companies in my district and throughout Ohio were very glad. They bused their men. When I was sheriff, one time I had to run, literally, safety inspections on buses. Scabs were being hauled in to threaten their workers at our plants, who had already taken concession after concession after concession. By the way, after I ran those safety inspections, those buses were not safe, and the sheriff had to stop those buses from entering. But I will be damned if I was going to have someone pull out a gun, shoot somebody in my town, and then blame it on labor. That did not happen. That problem was resolved.

I want to say this to Congress today. We have a fundamental right here today. There are no consumers without workers. If workers do not have some sense, some sense of permanence in their workplace, they are not good workers. The American workers take in concessions. They have been out on the line here for the last 10 years. Labor has kowtowed to the President. They have set a precedent in place, and labor cannot stop it now.

Labor made a big mistake, but I am not here today for labor. I am here today for working people. If it were not for many of those gains that the working people, through labor, have initiated, Congress would not have the pension it has, the American worker would not have the health insurance it has, and our Nation would not be as strong as it is today. Our industry would not be as vibrant, as viable, and yes, as competitive.

I want to say one last thing before I close. I say that hiring scab labor and keeping them on permanently is so bad that not even Japan will do it.

□ 1030

I am asking the Congress to pass H.R. 5. I support the rule, and I appreciate the time from the gentleman.

I do not like anyone to refer to me as a goon. I am not a goon, but I am saying this. Regardless of the definition, those people who come in and take another's job, with business in fact a part of that process, those are scabs.

Mr. DREIER of California. Mr. Speaker, to respond to the gentleman from Ohio, I am happy to yield 3 minutes to the gentleman from Texas [Mr. ARMEY], a hard-working member of the Education and Labor Committee, who has authored a very important amendment dealing with violence, which tragically is not incorporated in this rule.

Mr. ARMEY. Mr. Speaker, labor law should protect the rights of all working men and women, not only that 16 percent of the nonpublic labor force that elects to join unions, but that far greater percent of the private labor force, 84 percent, that elects not to join a union or not to go on strike. They should have their rights protected, particularly the right to be free from violence. Not only should they be protected from physical violence, but they should be protected from the violence that comes from having themselves slurred because they chose to exercise their free right as American men and women to go to work and to do so on their own terms, rather than on the terms defined for them by a group of remote, uninformed, uncaring, insensitive bureaucrats in Washington's AFL-CIO.

Now, I offered an amendment to protect this majority of free American men and women from the violence that is perpetrated against them when they choose to go to work by people on strike, and the committee met my offering with a violent rejection, using this tactic of slurring the character and the names of those free men and women who exercise their rights.

This is labor law? This is labor law that allows us in the Halls of Congress to use these kinds of slurs to describe the citizens of this country?

Mr. Speaker, I have to say in all due respect, I am disappointed in the inability of the Chair to enforce some standard of civility by which we characterize our constituents in this body.

Now, the chairman of the Education and Labor Committee, after they shouted down, hooted down and slurred my amendment and the people it represented, promised me personally that he would come before the Rules Committee and ask for an open rule where the rights of all Members to participate in this process would be protected, and right in front of me in the Rules Committee he specifically requested the Rules Committee not to allow me to offer this amendment that protects American working men and women from the violence perpetrated by a minority of militant malcontents on a union picket line.

I have had people in my office who have been shot in the leg through a truck door with armor-piercing ammunition.

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

Mr. DREIER of California. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am going to ask this body to vote no on the moving of the previous question on this rule in order that we can send it back to the Rules Committee and see if the Democrat majority in this Congress is willing to write a rule that allows us to offer an amendment that protects the physical safety of working men and women on their way to work in this country from violent mobs in the streets and protects these same men and women from having themselves and their names slurred in front of their children with this awful epithet that the unions employ for any free man or woman in this country who chooses not to join or participate in their actions.

It is not acceptable to overextensively guarantee the rights of a minority in such a way that allows them to wreak physical and mental abuse on a majority of hard-working, decent American men and women, and I am sorely disappointed in the inability of this Congress to represent the people of this country.

Mr. MOAKLEY. Mr. Speaker, the gentleman from Texas appeared before the committee with his amendment. The amendment reads that this paragraph shall not apply in any case in which the labor organization involved in the labor dispute concerned engages in or encourages its members to engage in violence during the dispute.

Mr. Speaker, this amendment simply restates current law by stating that companies do not have to rehire employees who engage in violence during a strike. That language is already on the books, and the committee felt that it was just redundant.

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

Mr. MOAKLEY. I am glad to yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, the gentleman will recall in the committee yesterday, the language that we have here is specifically with respect to strikes on the books. "Disputes," extends the concept and makes it less ill-defined. If in fact this is nothing but a reaffirmation of the law, it should not be met with the kind of violent response with which it was met in the committee and the rejection by which it was met by the gentleman's committee.

Mr. MOAKLEY. Mr. Speaker, the gentleman's amendment was not met with any violence in my committee.

Mr. ARMEY. I did not say it did.

If the gentleman will yield further, I must say, and let me do make it very clear, the gentleman is a gentleman and runs a fine committee. It was not met with violence in the gentleman's committee. It was simply rejected.

My daddy always taught that it was better to be persecuted than ignored. I do not know, but it felt better in the gentleman's committee.

But I will say, my complaint is not with the gentleman. I do not believe the gentleman from Massachusetts would be so insensitive as to use the kind of language that we have heard on the floor today.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

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

Mr. Speaker, 40 years ago, the United States led the world in terms of our industrial prowess, the development of new technology, the wages and benefits that we paid to our workers. Today, as major corporations are busy investing in Third World nations and throwing American workers out on the streets, we rank 10th in the world in terms of the wages and benefits paid to our industrial workers, and for the first time in our history younger workers are earning less than older workers. Children can expect a lower standard of living than their parents, for the first time in our history.

One of the reasons for the decline in the standard of living of our working people is that the organizations which represent them, the trade unions, are also in decline. In 1954, 34 percent of the workforce was organized. Today we are down to 16 percent.

Mr. Speaker, the right to strike for better wages and better working conditions is a basic American right, but it is a right which means nothing if it means that you are going to lose your job when you exercise that right. What does a right mean when you go out and you take advantage of that right and you lose your job?

Mr. Speaker, let us today stand with the working people of this country and tell the corporations that they cannot take away the basic rights of American workers, that they cannot replace workers on strike with permament replacements.

Let us pass H.R. 5, and be prepared to override a Presidential veto, if that is what we have to do to protect American workers.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 1½ minutes to the gentleman from Tennessee [Mr. DUNCAN].

□ 1040

Mr. DUNCAN. Mr. Speaker, many people have spoken in recent weeks about the harmful effect H.R. 5 would have on small business. It is clear beyond a shadow of a doubt that many Federal laws, rules and regulations are much more difficult and much more expensive for small businesses to comply with than giant corporations.

Because of this, yesterday I asked the Committee on Rules to allow me to offer a small business exclusion to H.R. 5. The amendment offered was a moderate one, limiting this exclusion to businesses half the size designated as small by congressional small business committees. In spite of the fact that there are fundamental differences between labor relations at a business employing thousands and a locally run small business, the committee would not allow the amendment to come to the floor.

Big businesses are financially stronger. They would be able to handle replacements easier than small businesses would. Almost every situation cited as showing a need for this bill is a big-business situation, such as Eastern Airlines.

Many small businesses are marginal at best. They are going out of existence at a rapid rate in this Nation, largely because of Federal favoritism toward big business.

H.R. 5 should not be applied to the mom and pop operations and other small businesses of this Nation.

This will only help the big to get bigger.

Ultimately it will decrease freedom and opportunity in this Nation, and ultimately it will hurt every working man and woman in this country.

Make no mistake about it, to vote for H.R. 5 in its present form is a vote against small business.

I would have voted for this bill had it had a reasonable small-business exclusion. Unfortunately, we will not have that opportunity.

So I urge my colleagues to vote "no" on this rule.

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

Mr. Speaker, the amendment of the gentleman from Tennessee would exclude companies or corporations of 250 members or under. And 99 percent of the companies would fit that category and 80 percent of the employees. So his amendment would, in effect, gut the bill. That is why it was not made in order.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Speaker, today we begin debate on an important piece of legislation, H.R. 5, The Workplace Fairness Act. This bill in its essence is not about labor or management. It's not about liberal or conservative, left or right. It's about fairness, Mr. Speaker. It's about justice.

Today, you will hear all the horror stories about what it will do to American businesses if they aren't allowed to hire permanent replacement workers during a strike.

Well, I want to tell you what it did to a small town in my home State. Three years ago, 1,200 workers at the International Paper Co. mill in Jay, ME, went on strike to protest the company's refusal to negotiate a contract. The company immediately hired permanent replacement workers, many of

them from out of State. Generations of workers from the surrounding towns had given their blood, sweat, and tears to make the company strong and prosperous. Overnight, their jobs were gone, their livelihoods destroyed, their communities divided.

Almost every industrialized nation, including Poland, prohibits the replacement of strikers with permanent workers. In Canada, Japan, France, The Netherlands, Germany Greece, Italy, Spain, in all of these countries and more it is illegal to do to their workers what International Paper Co. did to the workers in Jay, ME.

Mr. Speaker, the decade that gave us junk bonds, leveraged buyouts, and S&L's also gave us Patco, Phelps Dodge, and Frank Lorenzo. To restore America's greatness we must first restore the rights and the dignity of the American worker.

That is why I urge you to vote in favor of H.R. 5, and support this rule.

Mr. DREIER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Erie, PA [Mr. RIDGE], who has authored two of the most important amendments to this bill but, tragically, they have not been incorporated in the rule.

Mr. RIDGE. Mr. Speaker, I'm tired of the "are-ya-with-me-or-against-me" attitude on this issue. People's livelihoods are at stake and without a compromise, nothing will get accomplished.

Our Nation's economic growth and success is due to the American people's intuitive sense of balance and fairness. If the balance of rights and obligations shifts one way, then our basic sense of fairness and justice swings the pendulum toward the other.

It's not a smooth swing. Heated debate and discussion are the energy that fuels the pendulum swing.

But there's no debate and discussion here. No opportunity to reach a compromise that benefits those the proponents of H.R. 5 purport to help: the working men and women of this Nation.

It's either you are with me or against me.

H.R. 5 won't become law. The leadership of labor will get their vote. Their litmus test. They'll tell their membership the House passed the bill. They'll tell them who is with them, who is against them. But in the end, nothing will change.

The distinguished majority leader of this body called two attempts to reach a compromise baloney. But what will the majority leader say to the rank-and-file union members 1 year from now when nothing's changed? What will he say when workers are still replaced, when they ask him how are they going to feed their families?

I'll tell you what he'll say, he'll say let them eat baloney. That's all they'll be able to afford. But he got others their vote. He'll go to the conventions and fire up the crowd and get a standing ovation. But that fire will be extinguished quicker than you can say scab when those folks realize all they got was a vote. And it's hard to feed a family with a vote.

Today politics will triumph over policy. Proponents and opponents will claim victory. But nothing will change in the workplace. The rights offered in H.R. 5 will never be enjoyed by workers.

Symbolism will triumph over substance. Professional lobbyists will ring their hands with delight. Delight, not in a victory for working Americans, but delight in having an issue they can use to rally their members, to raise money, and to send out reams of self-congratulatory letters to their membership.

Today, we are asked to consider the positions at both ends of the spectrum. There was one somewhere in the middle which I and some of my colleagues attempted to offer during this debate. We will never know whether that compromise could have bridged the gap enough to provide some real protection for American workers, for that debate was left behind closed doors in Rules Committee. For you see, if a rational, fair and honest compromise could have been brought before this House, the professional political lobbyists, whether representing labor or business, may not have the chance for their propaganda victory, the triumph of rhetoric over action; of sound bites over substance.

There is no legitimate alternative to the bookend proposals before us today. Let me then speak directly to American workers who want to believe they are being well-served by this body today. You're not. You are being used as fodder for the inside-the-beltway game of who can score highest on the public relations meter.

Shortly after this issue dies here in Washington, you will be inundated with letters and articles from your leadership telling you how close victory was and asking for further assistance so next time true victory will be attained. I am not sure exactly who you are, but for some who are listening, the next time this issue is discussed in the District of Columbia you or a member of your family may be out of a job because of this Chamber's inability to be honest with you or itself.

Sometimes leadership is telling you what you need to know—not what you want to hear.

This vote tells you what you want to hear. This House has failed you because H.R. 5 is going nowhere. It is DOA [dead on arrival]. Political merits and demerits will be assessed, but working men and women will gain nothing.

There is a problem in the workplace. H.R. 5 will not fix it. I have discussed this matter with hundreds of representatives from organized labor. They are understandably concerned about their job security.

The world is truly a more competitive place. Competition is much tougher and worldwide. Membership in organized labor is down from 34 percent of nonagricultural workers in 1954 to 16 percent today. Labor leadership is under great stress to reverse this trend and have no foreseeable way of doing so.

Trade laws aren't equitably enforced. The recession is squeezing labor and management. Management is trying to be more competitive and productive and negotiations are tougher. And finally, on occasion there appears an uncaring, unthinking and unscrupulous business type who seeks to destroy rather than negotiate.

While replacement workers are rarely employed in strikes, it happens often enough in the environment I previously described to make people very anxious, if not downright scared.

Labor leaders have used H.R. 5 to play on that fear. It is a sham and a shame since everyone in Washington knows it's not going anywhere, it will not be law—just a great applause line in a speech.

We need to do more than that for our workers. Let me tell you why.

For about a half century, there was a simple rule in the workplace: No contract, no work. Recently, that rule has not been so simple.

The labor movement argues that since about 1981, when President Reagan hired replacement workers for striking Professional Air Traffic Controllers, more and more employers have been willing to replace strikers with nonunion workers. Worse, labor argues, is the contrivance of labor disputes in order to bust the union.

In 1938, the U.S. Supreme Court ruled in National Labor Relations Board versus Mackay Radio & Telegraph Co. that employers had a right to keep their businesses operating during strikes over economic issues. They could hire workers to take the place of those on the picket lines. They could not, however, hire replacement workers during strikes over unfair labor practices. The distinction between the two is often blurred.

For reasons ranging from a strong organized labor force to public attitudes toward businesses that replace strikers, few employers actually permanently replaced workers who exercised their right to strike. But, according to labor, all that changed in the early 1980's.

Legislation strongly supported by labor, and equally denounced by business, will shortly come before the Congress that seeks to address what some believe is the erosion of the strike as the weapon of last resort. It bans the use of permanent replacement workers.

Labor argues that the legislation restores equity in the collective-bargain-

ing process. If labor can't strike without fear of losing their jobs then the delicate balance of power at the bargaining table is tipped decisively in management's favor.

The business community argues that it would be extremely difficult to recruit even temporary workers unless those workers had a chance at a job with a company, if they performed well. Of primary concern to business is that the legislation may encourage the use of strikes since labor would have little to lose.

As a strong supporter of the collective-bargaining process, I have closely reviewed this issue. I think there is enough evidence for Congress to act. I also think that an outright ban on the use of permanent replacement workers is not the solution, nor does such legislation have even the remotest chance of becoming law.

That's why I have proposed the Collective Bargaining Protection Act of 1991. This legislation would establish a 12-week cooling-off period to enable the parties to sit down, roll up their sleeves, and bargain. The way the process is supposed to work.

It's a balanced approached because both sides must first exercise their ultimate weapons: Labor must vote to strike and management must decide to use replacement workers. Both sides would have 12 weeks to reach an agreeement. Most labor disputes are settled within 3 months. In the meantime, striking workers would not have to fear losing their jobs and the company would be able to conduct business.

Strikes are disruptive to our economy. They are even more disruptive to workers and their families who feel forced to resort to labor's ultimate weapon. The Collective Bargaining Protection Act is a better approach. It restores that delicate balance of power in labor-management relations so crucial to a productive and competitive economy. An economy that's fair to the worker, the employer, and the consumer.

I regret I could not offer the Collective Bargaining Protection Act as an amendment. I regret that most of Washington Labor Leadership was not inclined to offer a legislative proposal that had a reasonable chance of being enacted into law. When they become more interested in substance not symbolism and concerned with policy not politics, I hope they give me a call.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

□ 1050

Mr. MURPHY. Mr. Speaker, I thank the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], for this opportunity to speak on behalf of the rule. We will have hours of debate as the day progresses to discuss the merits or demerits of this legislation, and I would like to say in answer to the gentleman from Pennsylvania [Mr. RIDGE], my good colleague, that this is a very limited measure in itself, and we will discuss that during the day later.

I do not know; I am sorry that I missed the opening few minutes of the debate, but something apparently set off my good friend and colleague on the committee, the gentleman from Texas [Mr. ARMEY]. But I would like to say in answer to what he was speaking of; he was besmirching this legislation and painting all unionized workers in our country of violent activities, that that is not the case. We have ample laws, in answer to the gentleman from Texas, to protect us against violence from whatever source may be. Sometimes we are not satisfied with the enforcement of that protection, whether it be on the streets of Washington, DC, or in the coalfields of West Virginia or western Pennsylvania. But every State and every community in our Nation has a law against violence.

Believe me. Coming from the coal country and the steel valleys that I come from, I have seen those laws enforced against union activities, against law violaters. There are ample laws. We do not need to encumber this legislation with talking about supposed violence because it is already controlled. There are Federal laws, ample Federal laws, that protect legitimate worker activity, whether it be unionized or nonunionized.

Mr. Speaker, we are seeing today in the Federal courts provisions that limit the number of pickets on a picket line to a very, very few members, as low as three, and four, and five, and six. There are fines if unions permit or encourage their members to commit any type of violent activity. We saw last year where the United Mine Workers of America union was fined thousands and thousands of dollars, not because of what the union did, but because of what some radicals were accused of doing.

There are plenty of laws, and I say to my colleagues, "You need not encumber this very limited legislation."

I think we should support this rule. It is a good one. We offer the opportunity for two full substitutes, one by the gentleman who is the ranking member on the Committee on Education and Labor, the gentleman from Pennyslvania [Mr. GOODLING], which will totally limit this legislation, and we will debate his amendment in full. Then there is one by the gentleman from Florida [Mr. PETERSON] which further limits and clarifies this measure. There are ample amendments being offered. There will be ample debate time, and I see no reason that we should not adopt the rule, pass the previous question, and go on with the debate as it is.

Mr. Speaker, let me say to the gentleman from Pennsylvania [Mr. RIDGE], my very good friend and colleague, who he and I are perhaps 2 percentage points apart in voting in our history together in Congress, who says the matter is going nowhere, the following:

I submit to those of you who are in your offices listening on both sides of the aisle that, if you think it is going nowhere, let's think about the votes that Claude Pepper cast back in the 1930's, or Lyndon Johnson in the 1940's and 1950's, or John Kennedy in the 1960's, and Hubert Humphrey in the 1950's and 1960's. Many times these great leaders of our country voted, and they lost, but what they provided us was a constant, steady flow of a vision for America of improvement in our legislation, improvement in the conditions of our workers, improvement in the lives of our people.

So, Mr. Speaker, the threat of its not going anywhere does not deter me, and I say that it did not deter those great Americans. Let us go on with the measure.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding time to me, and I rise in full support of this rule. I think it is a fair rule, and I think it is the kind of rule that we need. We have permitted the minority to have their say.

Mr. Speaker, I rise in support of House Resolution 195. In my view, H.R. 5 is the most important legislation affecting the rights of workers that this body is likely to consider in the 102d Congress. This rule enables the House to consider practical alternatives to the bill as reported by committee without being sidetracked by demagoguery. The rule fully protects the minority by making in order a motion to recommit with or without instructions.

The rule makes in order an amendment in the nature of a substitute to be offered by Mr. PETERSON. Mr. PETERSON has drafted a substitute amendment dealing with the difficult issue of representational strikes. I support making this amendment in order. I will support the amendment when it is offered.

The rule also makes in order an amendment in the nature of a substitute to be offered by Mr. GOODLING. Mr. GOODLING's amendment seeks a middle road in what is admittedly a very partisan and emotional issue. While I do not believe this amendment adequately protects the rights of workers, and will oppose the amendment when it is offered, I believe the House should have the opportunity to consider it.

H.R. 5 seeks to restore balance to our system of labor-management relations and protect the right of American workers to exercise a voice in the determination of their wages and working conditions. Its enactment will both further the economic security of the citizens of this country and promote the democratic values which serve to distinguish our country from all others. I urge the Members of this House to support this rule that makes possible consideration of the vital legislation and I urge the Members to support H.R. 5 when this rule is adopted.

Mr. DREIER of California. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Maine [Ms. SNOWE], our very hard working colleague.

Ms. SNOWE. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding.

Mr. Speaker and Members of the House, I rise in strong opposition to this rule, and I join the efforts of the gentleman from Pennsylvania [Mr. RIDGE] and the gentleman from New York [Mr. HOUGHTON] that we should have been permitted to offer an amendment addressing the cooling-off period that was proposed in the Ridge proposal. That is something that we worked on because we thought it was a fair and more effective approach.

There is no need to restrict this debate today, especially when we are contemplating labor law reform of this magnitude and for the very first time in more than 53 years. Why is the Democratic majority so afraid to hear that there are options to address this problem and other meritorious arguments that should be considered here on the floor of the House today?

Mr. Speaker, our goal should be simple. One is to insure that equilibrium exists in labor-management relationships. We should seek to insure that neither side in a labor-management dispute holds such a procedural advantage that it can force capitulation of the other side, and we did seek to encourage good-faith negotiation by both sides in a dispute so that they discuss and work out their differences rather than resort to confrontational tactics. With those goals in mind, we must then answer the question as to whether the use of permanent replacement workers has thrown the labor-management relationship out of balance, and, if so, what should be done.

I believe in then, Mr. Speaker, a position to speak to this issue because of the experience in my district in 1986 with Boise Cascade and in 1987 and 1988 with the International Paper Co. in Jay, ME. Nearly a 1,000 workers were supplanted by permanent replacements in Jay, and the signal that permanent replacements would be used came early on in the dispute. Management would argue that they did so because the union struck at five plants simultaneously across the country and they did not have sufficient personnel to maintain the plants. Frankly, though, International Paper management did not act prudently in hiring permanent replacement workers. They were ill served by this action, especially in a one-company town. It tore the community asunder, it pitted neighbor against neighbor and fathers against sons, and the wounds will exist for a very long time. No one won in this dispute, and everyone lost.

Mr. Speaker, the problems was that the fevered emotions on both sides never had a chance to abate, and tempers ran high, and beating the other side became the focus, not solving the impasse. There was never time, nor the opportunity, to get a perspective of issues at hand. Use of permanent replacement workers did play a role in the escalation of this situation, but will banning replacement workers address the problem? No. I would suggest that in fact it will skew the balance. What was needed in Jay, ME, and other places was a cooling-off period, a chance for both sides to take a second look at their disputes without immediate threats overhanging.

Mr. Speaker, that was the basis for the proposal that we wanted to offer that would be offered by the gentleman from Pennsylvania [Mr. RIDGE]. We developed this compromise providing for a 12-week cooling-off period which would start upon the time that temporary replacement workers were hired. That was the key in this legislation that was different from the substitute that will be subsequently offered. This delayed trigger would be most advantageous because it allows for more distance between the start of a strike and the use of replacement workers. This delay trigger is important because it provides a nonthreatening window in which both sides can work to solve the dispute. Unfortunately the Committee on Rules did not see it that way and denied us the opportunity to offer this proposal.

Therefore, Mr. Speaker, I am urging defeat because I do think that we should have the opportunity when issues of this importance come up before the House, we should have the opportunity to consider various options, and I think the very fact that we were not allowed to offer this proposal is because ultimately it could have gained the support of the majority in this Chamber because it is fair and the most effective approach in trying to address the problem. H.R. 5 would simply overreach in trying to restore balance.

Mr. DREIER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I happen to be one of those who believe that H.R. 5 is a very unfair bill and that union leaders who represent only 12 percent of the work force in private industry in America are trying to rewrite the delicate balances which exist in regard to the last resort, for instance, that unions do not want to use, and that is the right to strike, the last resort that employers do not want to use, and that is having to go out and hire a new work force, and the last resort which many workers, union and nonunion, do not want to consider, and that is making a decision whether to go to strike or exercise their right not to strike.

I cannot explain to the people back home, for instance, about what a closed rule is because everybody back home, I think in all of our districts, really believes that, if their Member of Congress has an amendment, he is going to be able to rise on the floor and present that amendment.

□ 1100

And here I hear my colleagues, like the gentleman from New York [Mr. HOUGHTON], the gentleman from Tennessee [Mr. DUNCAN], the gentleman from Texas [Mr. ARMEY], the gentleman from Pennsylvania [Mr. RIDGE], and the gentlewoman from Maine [Ms. SNOWE]—and all of them are good Members; they do not cause problems in this body—are being forced to come here, rather obsequiously, and say, "If only I had had my right to be able to present this amendment, this is what I would say."

This is a tremendously important bill. For this Congress and many Congresses before and many Congresses after, it is very, very important, because it is going to obliterate over 50 years of labor law, ever since the Wagner Act. We should not treat it in this way. I have a great deal of respect for the gentleman from Massachusetts [Mr. MOAKLEY], but the gentleman said, for instance, "We didn't allow a certain amendment because it would have gutted the bill." He is a good man, he is an intelligent man, but that is the job of this Congress, to determine whether or not an amendment is going to gut the bill or whether it is good or bad or indifferent.

But the people of America will never hear the debate, the real debate that ought to take place here. We will have a relatively short period of time to debate, and when I go to town hall meetings and try to explain this, that we really do not have the right in the House to stand up and represent our districts and offer amendments, they do not understand. I understand why they do not understand, and that is why I am voting no on this rule.

Mr. DREIER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, the word "fairness" is breathed with almost reverence on this floor by numerous Members. We hear the word "fairness," as though it is something that just oozes from the pores of the majority side until we see a rule like this one.

I just want to give a couple of examples. First of all, we have the Armey amendment. I talked to the gentleman from Texas [Mr. ARMEY] a few minutes ago. I understand his amendment was offered in the committee, and that the chairman of the committee told him that it would be an open rule and he would get a chance to offer it on the House floor. What we find out is that not only is this not an open rule, but the chairman specifically went before

the committee and asked the committee to deny Mr. ARMEY his chance to offer his amendment because, as the chairman said in at least one public print that I saw, this is an issue that is already covered "and we don't want to highlight it on the floor, namely, labor violence."

Well, let me say that is not fair. Yet what is fair? The gentleman from Florida [Mr. PETERSON] comes to the committee—and I just read the transcript of the committee—and indicates that he has an amendment that has not been fully drafted yet, that he is not sure exactly what is in it, but he has this amendment and he wants it to be offered on the floor; it might be an amendment, it might be a substitute, but we are not sure exactly what it is going to be.

Now, let me ask, what is made in order? Is Mr. ARMEY's amendment made in order? No, Mr. PETERSON's amendment is made in order.

I think I am being fair here. I will ask the gentleman from New York [Mr. SOLOMON], who had a dialog with Mr. PETERSON, did the gentleman not indicate to you during the course of your deliberations that the amendment he had originally set up was just set up to kind of keep the door open so that he could actually draft an amendment that would actually come to the floor?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, I am disturbed as to how this process took place, because we all are under instructions and we all try to cooperate when we are asked by our good chairman, the gentleman from Massachusetts [Mr. MOAKLEY], to file our amendments by a prescribed time of 5 p.m. When we got the report at 5:15 p.m., there was one amendment that had no name, and it was an amendment, not a substitute. Later on we find, around 7:30 or 8 o'clock that evening, that it was some substitute offered under the name of Peterson, who is a new Member of this House.

Mr. WALKER. Did the gentleman ask who wrote the amendment?

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield to me since he used my name?

Mr. WALKER. I will in just a minute, but first I want to clarify a point here.

Let me ask the gentleman, do we have any idea who drafted the Peterson amendment?

Mr. SOLOMON. We had no idea who drafted the amendment.

Mr. WALKER. Mr. Speaker, I understand he did not seem to know exactly what was in the amendment when he was testifying before the committee. Is that a fair characterization?

Mr. SOLOMON. No; he said he was not sure why it was being handled as a substitute.

Mr. WALKER. I am just very confused by the fact that we have amendments, and that one amendment that was discussed cannot be offered on the floor, but an amendment that no one ever heard of before the Rules Committee now can be offered on the floor.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I yield to the chairman of the Rules Committee.

Mr. MOAKLEY. Mr. Speaker, the Peterson amendment was received by the Rules Committee in draft form within the prescribed time limit.

Mr. WALKER. I have taken a look at the two amendments, and they are entirely different, and he himself said at your committee meeting, I say to the chairman, that the amendment he originally submitted on time was not the real amendment, that that was something that he submitted just to keep the door open.

Mr. MOAKLEY. No. What happened is that he submitted the amendment, but after sitting down with the chairman, I think they put it in more proper form, and there was a difference between the amendment and a substitute. But it was the same language after they clarified the form that it should be in.

Mr. WALKER. Did he not say before the committee that the amendment he submitted was just something that he submitted to keep the door open?

Mr. MOAKLEY. No; I do not remember him saying that.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I read the transcript, and I thought that is what I saw. I think we ought to go back and look at that.

Sure, I am glad to yield to the chairman of the Labor and Education Committee.

Mr. FORD of Michigan. Mr. Speaker, I hope that I have misunderstood the gentleman. It sounded as though he was attacking my veracity in suggesting that I promised my committee I would ask for an open rule and then did something different.

Mr. WALKER. No; what I said was that——

Mr. FORD of Michigan. I have said that we ought to have the record of my testimony before the Rules Committee inserted in this record at this point. I will say to the gentleman very clearly that I asked for an open rule.

Mr. WALKER. Let me reclaim my time.

Mr. Speaker, what I said was that the gentleman from Texas [Mr. ARMEY] whom I had talked to indicated to me that when his amendment was denied in the committee, you told him it would be OK because you would be operating under an open rule and he would have his chance, and then specifically all I accused you of in the committee was that you specifically denied Mr. ARMEY an opportunity to offer the amendment.

The SPEAKER pro tempore (Mr. MCNULTY). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I am told that my testimony before the Rules Committee cannot be inserted in the RECORD, but I do remember the exchange with the gentleman from Texas [Mr. ARMEY] and I did, in fact, have a formal statement in which I asked for an open rule.

What I said is that the gentleman from Pennsylvania, who was not there, who talked to the gentleman from Texas [Mr. ARMEY], and then on the basis of a rumor of what happened in the Rules Committee, a place that he was also not present at, he accuses me of giving my word to a member of my committee and then doing something different. I want to tell the Members categorically, without any question of the gentleman's ability to test the real evidence, that I did, in fact, tell Mr. ARMEY I had asked for an open rule, and I did, in fact, ask for an open rule.

Mr. ARMEY. Mr. Speaker, will the gentleman yield? The gentleman used my name.

Mr. FORD of Michigan. Yes, I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, did the gentleman not specifically suggest and recommend to the Rules Committee that they not accept my amendment in the rule?

Mr. FORD of Michigan. No. When I was asked about your amendment yesterday, as to the merits of the amendment, not whether it should be in order, I stated—and this is accurate—that your amendment makes no substantive change in the law, that it was purely a piece of mischief, and it is today. Some people would have referred to it as "demagogic," but because the gentleman is a member of my committee, I would not attribute that motive to him.

Mr. ARMEY. Mr. Speaker, will the gentleman yield further?

Mr. FORD of Michigan. Yes, I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, the gentleman assured me specifically in the Committee on Education and Labor that he had asked for an open rule and sought to protect every Member's right to participate.

Mr. FORD of Michigan. I did that.

Mr. ARMEY. And when you were in the Rules Committee yesterday, you specifically asked them not to accept my amendment in the rule. I was in the room, I heard you, this is not rumor, and that is exactly what happened.

Mr. FORD of Michigan. When I was in the Rules Committee, I was asked, "What about Mr. ARMEY's amendment?" and I said, "Mr. ARMEY's amendment does nothing to improve or change the National Labor Relations Act in any way. It is pure show business."

I talked to the substance of the gentleman's amendment, not whether it should be recognized.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield one final time, irrespective of the inaccurate characterization of my statement that you made, you did specifically ask the Rules Committee not to accept my amendment.

Mr. FORD of Michigan. Mr. Speaker, if I may reclaim my time, I am not inaccurate, and I submit that if the gentleman thinks it is inaccurate, he should go back to the books and learn a little bit about labor law before he starts arguing it on the floor.

The SPEAKER pro tempore. The time of the gentleman from Michigan [Mr. FORD] has expired.

Mr. DREIER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

□ 1110

Mr. RITTER. Mr. Speaker, I am personally familiar with the contributions of organized labor to the health and well-being of our Nation. I personally was a member of four different labor unions while growing up and going to school, ironworkers, plumbers, the UAW, the teachers. Both my parents were members of labor unions. The contribution is there. The legacy is long. It is legitimate. It is laudable.

Lech Walesa changed the world with a strike, but we are in totally different circumstances here in this country today, Mr. Speaker. We face massive competition both in our home markets and abroad and we need to work more cooperatively together.

We need teamwork. Any legislation that promotes the ease with which people can strike works against teamwork. Teamwork is not gained by making strikes easier.

In the quality revolution, each and every worker becomes his or her own best manager. Given the education, the training, the recognition, the reward, the responsibility, workers' and managers' distinctions are blurred. Hierarchies in management today are being removed. People are called associates. The "we" and "they" is gone. It is obsolete. "Us" and "them" is obsolete.

In the best quality companies, workers are managers, managers are workers. It is absolutely essential that what we do in this Congress spur the quality revolution, spur the opportunity for teamwork and not promote the opportunities for further dissension. We need less strikes, not more.

Mr. DREIER of California. Mr. Speaker, I will say that this debate that we have seen here today demonstrates that fairness in the workplace does not exist. This is the people's workplace here in the House of Representatives. We have had a litany of amendments that people have tried desperately to incorporate to improve this measure. Tragically the rule does not include them.

I urge a no vote on the previous question.

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

Mr. MOAKLEY. Mr. Speaker, to close the debate, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Montana [Mr. WILLIAMS], is recognized for up to 5 minutes.

Mr. WILLIAMS. Mr. Speaker, I have been in this body for more than a dozen years now, and I am always surprised that any time we bring legislation to the floor of this House which has as its intention the extension of simple rights to Americans, that legislation invariably creates great verbal pyrotechnics on this floor. Perhaps those bills that seem the most flammable are those which seek to provide simple rights for America's workers. Perhaps it is the word "labor" that creates all these charges and countercharges, but this bill is not about labor, organized or unorganized. It is about workers.

We have heard a lot of rhetoric this morning. We are going to hear more this afternoon. We have heard about the insensitivity of the Committee on Rules. We have heard and will hear more about big labor bosses or thoughtless corporate tycoons. We have even already debated whether or not Members of this House, honored Members, have broken their word.

One Member said that this bill is going to obliterate labor law and another Member said this bill is going to decrease freedom in America. For heaven's sake, for heaven's sake.

We had a plant closing bill on this floor 3 years ago. Let me give my colleagues just one quote from that debate.

"Does anyone believe that this plant closing bill will help the workers of this country? No. It will provide for losing jobs in America. It will provide for discouraging employment."

That was debate on another bill which simply intended to extend rights to workers. It has been 3 years since that bill has been enacted and there is a consensus in this country that providing workers with advanced notice when a plant is about to close is sound, reasonable policy and has caused little, if any, difficulty.

Business Week, not published by the AFL-CIO, said this about that plant closing bill: "It turned out to be the disaster that never happened."

Likewise, after the eventual passage of this bill, we will find that labor and management are working together very effectively and the rhetoric we have heard and will hear today about the negative effect of the bill will be understood as the exaggeration that it is.

My colleagues, the most fundamental right of all working people is the ability to withhold their labor. That is a right that America's labor laws guarantee or at least purport to guarantee. The only reason we are here today is because the promise of our national labor laws is not being kept.

Let me read to Members what the National Labor Relations Act says with regard to strikes. "Nothing in this act shall be construed to impede or diminish in any way the right to strike." But just as sure as night follows day, anyone who strikes and knows they face losing their job if they do so has had that right impeded.

So the hard fact is, and what brings us to the floor today is, the words of America's law of the land do not ring true. To America's workers, the promise that they will not be impeded when they strike is a false one. So we are here today to foster respect and fairness in labor-management relations.

We are here today to simply extend to workers the right to withhold their labor.

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

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. DREIER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 157, not voting 14, as follows:

[Roll No. 209]

YEAS—262

Abercrombie	Boxer	Costello
Ackerman	Brewster	Cox (IL)
Alexander	Brooks	Coyne
Anderson	Browder	Cramer
Andrews (ME)	Brown	Darden
Andrews (NJ)	Bruce	Davis
Andrews (TX)	Bryant	de la Garza
Annunzio	Bustamante	DeFazio
Anthony	Byron	DeLauro
Applegate	Campbell (CO)	Dellums
Aspin	Cardin	Derrick
AuCoin	Carper	Dicks
Bacchus	Carr	Dingell
Barnard	Chapman	Donnelly
Beilenson	Clay	Dooley
Bennett	Clement	Dorgan (ND)
Berman	Coleman (TX)	Downey
Bevill	Collins (IL)	Durbin
Bilbray	Collins (MI)	Dwyer
Bonior	Condit	Dymally
Borski	Conyers	Early
Boucher	Cooper	Eckart

Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Rinaldo
Roe
Roemer
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NAYS—157

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Atkins
Coughlin
Dixon
Geren
Jefferson
Kennedy
Kleczka
Lowery (CA)
Matsui
Michel
Rose
Saxton
Weiss
Yatron

□ 1138

Mr. HOLLOWAY and Mr. SCHAEFER changed their vote from "yea" to "nay."

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

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

Mr. DREIER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 265, nays 153, not voting 15, as follows:

[Roll No. 210]

YEAS—265

Abercrombie
Ackerman
Alexander
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowey (NY)
Luken
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NAYS—153

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley

Packard	Roukema	Stump
Paxon	Santorum	Sundquist
Porter	Schaefer	Taylor (NC)
Pursell	Schiff	Thomas (CA)
Quillen	Schulze	Thomas (WY)
Ramstad	Sensenbrenner	Upton
Ravenel	Shaw	Vander Jagt
Ray	Shays	Vucanovich
Rhodes	Shuster	Walker
Ridge	Skeen	Walsh
Riggs	Slaughter (VA)	Weber
Ritter	Smith (OR)	Weldon
Roberts	Smith (TX)	Wolf
Rogers	Snowe	Wylie
Rohrabacher	Solomon	Young (FL)
Ros-Lehtinen	Spence	Zeliff
Roth	Stearns	Zimmer

NOT VOTING—15

Andrews (ME)	Kleczka	Saxton
Coughlin	Lowery (CA)	Stark
Dixon	Matsui	Weiss
Jefferson	Michel	Williams
Kennedy	Rose	Yatron

□ 1157

The Clerk announced the following pair:

On the vote:

Mr. Kleczka for, with Mr. Lowery of California, against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 173

Mr. COMBEST. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Resolution 173.

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

There was no objection.

WORKPLACE FAIRNESS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 195 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5.

□ 11:59

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill [H.R. 5] to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, with Mr. LEVIN of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes; the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes; the gentleman from Washington [Mr. SWIFT] will be recognized for 15 minutes; the gentleman from Pennsylvania [Mr. RITTER] will be recognized for 15 minutes; the gentleman from New Jersey [Mr. ROE] will be recognized for 15 minutes; and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 15 minutes.

□ 1200

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, H.R. 5, the Workplace Fairness Act, is the most important labor relations bill to be taken up by the Congress in more than a decade. It has one purpose: to restore to America's working people their most fundamental employment right—the right to withhold their labor without fear of retaliation.

H.R. 5 is simple and direct. It makes it an unfair labor practice for an employer to respond to a lawful economic strike by discharging and permanently replacing the strikers with other workers. It also makes it an unfair labor practice for an employer to discriminate against the strikers with respect to other employment terms and benefits.

If H.R. 5 is not enacted, the survival of collective bargaining in the United States cannot be assured. More and more employers each year are turning to the threat or use of permanent replacements as a way to coerce and intimidate union workers into concessionary contracts, or as a way to bust the union when the employees are pushed too far and are forced to strike.

On Monday, another such case was reported in the Daily Labor Report—a Pepsi-Cola bottler replaced its 85 union employees with 113 nonunion workers and got rid of the union when the replacements voted to decertify it.

Collective bargaining is being killed by employers who have found a way to regain unilateral control of their work forces and deny their employees a voice.

The law in its current unfortunate state permits employers like Greyhound and the New York Daily News to advertise for replacement workers before negotiations even begin, to bargain to impasse without delay and implement a humiliatingly low final offer, and then permanently replace the strikers in the first hour of a strike. Within a year, the strikers are prohibited from voting in an NLRB election and the union can be decertified, that is to say, destroyed. If we do nothing, our system of collective bargaining will be reduced to a system of collective begging.

The Committee on Education and Labor has studied this issue for more than 3 years, and we are confident that the bill we bring before you today is fair and deserves your support. Let us join West Germany, Japan, Canada, Sweden, France, and the other industrial giants of the world that value collective bargaining as a way to spur cooperation and productivity and prohibit the destructive practice of punishing workers who exercise their right to strike. Let us not praise unions in Poland and Czechoslovakia and strangle them in the United States. Let us pass H.R. 5.

MACKAY RADIO AND THE TRANS WORLD AIRLINE DECISIONS

The two Supreme Court decisions H.R. 5 is designed to reverse are *NLRB* v. *Mackay Radio & Telegraph Co.*, 304 U.S. 333 (1938) and *Trans World Airlines* v. *Independent Federation of Flight Attendants*, 489 U.S. 426 (1989).

Mackay Radio declares that an employee lays his job on the line when he goes out on an "economic Strike" over hours and wages and other terms and conditions of employment. He can't be fired, but he can be replaced, and permanently so. It matters little to the worker who loses his job whether he is fired, or whether he is replaced. What matters is the loss of the paycheck, the loss of his job, the loss of his union.

It is obvious to every working man and woman that this discharge and replacement do "interfere with or impede or diminish in any way the right to strike" in violation of section 13 of the act. Who can seriously argue that when the employer discharges the striker, he does not "interfere with, restrain or coerce" the workers' rights guaranteed in section 7 to "engage in concerted activity for mutual aid or protection?" The contrary decision of the Supreme Court in the Mackay Radio case is wrong, and came about in an almost off-hand way. Here is what happened.

Mackay Radio & Telegraph Co., like the better known Western Union, was engaged in the transmission of telegraph, radio, and cable communications, both at home, abroad, and to ships at sea. In 1934 before the Wagner Act, many of the Mackay Radio employees joined the American Radio Telegraphists' Association [ARTA]. The 60 employees at the San Francisco office were especially militant in this union.

In June 1934, ARTA began negotiating for a collective bargaining agreement with Mackay Radio. Negotiations dragged on and on, throughout the summer months. In September 1935, the union took a strike vote, and thereafter announced that it would call a strike for midnight, October 4, 1935, if no agreement was reached at the bargaining table.

In anticipation of the strike, Mackay Radio recruited 11 nonunion employees from its offices in New York, Chicago, and Los Angeles to transfer to the San Francisco office. The company promised them permanent jobs there.

The strike was called on Friday, October 4. All the regular employees in

San Francisco, including low-level supervisors, responded to the strike call. The strike fizzled elsewhere and was called off.

On Monday, October 7, all strikers returned to their jobs, except 11 in San Francisco, who were replaced by the outsiders from New York, Chicago, and Los Angeles. The company selected these 11 with care. One was a supervisor. Five were the least competent employees, with blemished work records. The five others were all good workers, but active union leaders. This is why they were selected for the blacklist.

Then, six of the replacement workers decided to return to their former homes; and the company took back the supervisor, the five incompetents, but not the five union activists.

The National Labor Relations Act became effective on July 5 of that year, and on October 15 ARTA filed unfair labor practice charges with the Labor Board alleging that the discrimination against the five, based on their union leadership, violated their rights under section 7 to "join, form and assist unions," and to engage in "concerted activity" for "mutual aid or protection."

The NLRB held for the union, and wrote that:

> The inference seems clear that the respondent's [Mackay's] officials readily perceived that circumstances had provided them with an excellent opportunity to rid (itself) of the leaders of the Local which had just caused it to pass through a costly strike and it did not fail to make the most of the opportunity. And in thus taking advantage of that opportunity the respondent (Mackay) committed a violation of the Act. 1 NLRB Reports at 218 (1936).

The NLRB refused to decide whether or not Mackay had a right to retain the permanent strike replacements. The Board wrote that the "preference to the strikebreakers" might violate the Act because the claim of the five discharged workers to their old jobs "is greater than that of the strikebreakers." But the Labor Board concluded that "since we find that a decision on the point is not necessary to the final judgment in this case we will not decide the matter." 1 NLRB Report at 216 (1936).

Mackay Radio refused to replace the five union activists it had discharged, and the NLRB took the case to the Court of Appeals for the Ninth Circuit. That court held that the Labor Act was unconstitutional, and therefore did not reach or decide whether it was lawful under the act to single out union leaders for discharge. Nor did that court decide whether it was lawful to keep replacements after the strike ended.

The National Labor Relations Board then took the case to the Supreme Court. The Supreme Court by then had upheld the constitutionality of the Labor Act, and the only issue briefed or argued by the parties was whether it was lawful to discriminate in employment opportunities because of heavy involvement in a union. The Supreme Court agreed with the Labor Board that it was unlawful for Mackay Radio to "keep out certain of the strikers" for the "sole reason that they had been active in the Union." 304 U.S. at 346. In like vein, the Supreme Court more recently held that an employer may not discipline union officials more severely than other union employees for participating in an unlawful work stoppage. *Metropolitan Edison Co.* v. *NLRB*, 460 U.S. 693 (1938).

But the Supreme Court did not stop there. The Labor Board expressly refused to decide whether Mackay Radio could retain the strike replacements in preference to the strikers. This issue was not decided by the Court of Appeals. It was not raised by the parties before the Supreme Court. But, despite all this, the Court, sua sponte wrote that, "it was not an unfair labor practice for Mackay to replace the striking employees with others in an effort to carry on the business," and although section 13 provides that the Act "is not to be construed so as to interfere with or impede or diminish in any way the right to strike":

> [I]t does not follow that an employer, guilty of no act denounced by the statute, has lost the right to protect and continue his business by supplying places left vacant by strikers. And he is not bound to discharge those hired to fill the places of strikers, upon the election of the latter to resume their employment, in order to create places for them. 304 U.S. at 345-346.

This ill-considered *dicta* has created the havoc in collective bargaining that H.R. 5 is designed to correct.

But there is more. *Trans World Airlines, Inc.* v. *Independent Federation of Flight Attendants*, 489 U.S. 426 (1989) took a giant step farther away from Congress' efforts to encourage the practice and procedure of collective bargaining. Under TWA, individuals who cross the picket line can get any vacant job, and keep it at the strike's end, no matter how low they might rank on the seniority scale. This is what happened.

The contract with TWA typically provided that flight attendants with greatest seniority would have first choice on vacant job assignments, vacant flight schedules, and vacant bases of operations. For example, should a job vacancy appear at the highly desirable San Francisco base of operations, the most senior qualified flight attendant who bid on the vacancy would be entitled to it. Should the flight to Tokyo become vacant, it would go to the most senior applicant for that schedule.

After 2 years of unsuccessful bargaining over wages and working conditions, the flight attendants went on strike on March 7, 1986. Earlier, TWA had warned that it would continue operations with permanent replacements and "crossovers," that is, union members who "crossed over" the picket line. TWA also warned that new employees and "crossovers" would be permitted to pick any vacant base of operation and any vacant flight assignment—and keep them when the strike ended, regardless of seniority.

This opened the door wide to junior flight attendants—if they broke ranks with their brother and sister employees—to choice assignments which otherwise went to others with 10 or 15 years of seniority. The incentive bore fruit.

During the 72-day strike, approximately 5,000 flight attendants remained on strike, some 1,280 flight attendants "crossed over" the picket lines, and some 2,350 new flight attendants were hired. When the strike ended, TWA recalled only the 197 most senior strikers to fill the "beginning jobs, not then occupied by the "crossovers" and new hires. Some 4,000 strikers are still out of work, waiting to be recalled.

The Supreme Court saw nothing wrong with this, because of the guiding precedent of Mackay Radio. TWA's decision to give the most desirable jobs to junior "crossovers" and not to the more senior full-term strikers "had the effect of encouraging prestrike workers to remain on the job during the strike or to abandon the strike and return to work before all vacancies were filled." But, wrote Justice O'Connor for the Court, this was only "an effect of the exercise of TWA's peaceful economic power, a power that the company was legally free to deploy once the parties had exhausted the private dispute resolution mechanisms of the Railway Labor Act."

Justice Brennan, joined by Justice Marshall, dissented because this kind of discrimination on the basis of union activity is "inherently destructive of the right to strike as guaranteed by both the Railway Labor Act and the National Labor Relations Act."

The TWA decision can only deepen the reluctance of workers to strike. They may be willing to give up their paychecks for a few weeks, or even months, in support of bargaining demands they believe are just. But it is an entirely different ball game when hard-earned seniority is put on the line. The stakes are greater; the risk almost unbearable. Clearly, the threat of seniority suicide "interferes with, impedes and diminishes" the congressionally-guaranteed right to strike. And without the right to strike, the process of collective bargaining becomes nothing more than a process of collective begging.

The TWA decision compounds the damage earlier done by its "godfather," Mackay Radio, and is the second of the two Supreme Court decisions we seek to repudiate with enactment of H.R. 5.

SUPREME COURT DECISIONS DISTINGUISHING OR APPLYING THE MACKAY RADIO DOCTRINE: MASTRO PLASTICS, ERIE RESISTOR, GREAT DANE TRAILERS, FLEETWOOD TRAILER, BELKNAP, AND TWA

We have discussed the background and holdings in Mackay Radio and Trans World Airlines. There are five additional Supreme Court decisions which have been featured in the debate and discussion during the committee hearings. They are *Mastro Plastics Corp.* v. *NLRB*, 350 U.S. 270 (1956); *NLRB* v. *Erie Resistor Corp.*, 373 U.S. 221 (1963); *NLRB* v. *Great Dane Trailers, Inc.*, 388 U.S. 26 (1967); *NLRB* v. *Fleetwood Trailer Co.*, 389 U.S. 375 (1967); and *Belknap, Inc.* v. *Hale*, 463 U.S. 491 (1983).

A. THE EARLIER DECISIONS SOUGHT TO AMELIORATE THE HARSHNESS OF THE MACKAY RADIO DOCTRINE

First, Mastro Plastics was the first of these decisions.

It holds that employees who strike to protest an employers' unfair labor practice—unfair labor practice strikers—can get their jobs back on demand.

The 76 employees at Mastro Plastics were well satisfied with their membership in the Carpenters Union. But their employer thought they should shift their allegiance to Local 318 of the Paper Mill Workers. He told his employees that "those refusing to do so would be out."

Despite the employer's threats, the workers remained loyal to their chosen Carpenters Union. Matters came to a head when the employer discharged an employee "because of his support of the Carpenters and his opposition to Local 318." The other employees promptly walked out in protest, despite a conventional no-strike clause in their contract.

The employer hired replacements, and then denied reinstatement to the strikers, on the theory that the employees had forfeited their employment rights because of the illegal strike. Section 8(d) of the act supports the employer here, because of its provision that a worker who engages in an illegal strike "shall lose his status as an employee." Nevertheless, the Supreme Court emphasized the employer's unfair labor practices as precipitating the strike and went on to hold that: "under these circumstances the striking employees do not lose their status as employees and are entitled to reinstatement with backpay even if replacements for them have been made."

The situation differs from that in Mackay Radio, said the Court, because a strike protesting an unfair labor practice warrants greater protection than a strike over economic benefits.

Second, Erie Resistor is the second case after Mackay Radio.

It holds that it is an unfair labor practice for an employer to give 20 years super seniority to his strike replacements, even when the promise of super seniority, as in Mackay Radio, is necessary to protect and continue the business.

Erie Resistor was unable to get strike replacements until it offered 20 years super seniority for purposes of layoff and recall. Then, many junior employees began to cross over the picket line. The Labor Board held that the offer of super seniority violated the rights guaranteed to workers under the act because it is a form of discrimination extending far beyond the employer's right of permanent replacement sanctioned by Mackay.

The Supreme Court affirmed. It noted that offering super seniority to replacements deals a crippling blow to the strike effort for two reasons. First, it gives employees with low seniority the opportunity to obtain the job security which, ordinarily, only long years of service can bring. Conversely, this new status seriously dilutes the accumulated seniority of older workers. Second, super seniority renders future bargaining difficult, if not impossible, by dividing employees into two camps; those who stayed with the union and those who returned before the end of the strike and thereby gained extra seniority.

The Court refused to apply the Mackay Radio doctrine because the employer's interest in continued production does not justify the increased encroachment on these rights resulting from the super seniority agreement.

The Supreme Court sees its role as one of balancing interests, and this time the Court came down on the side of the worker.

The Court also came down on the side of the worker in the next two decisions, Great Dane Trailers, and Fleetwood Trailers.

Third, during a strike at Great Dane Trailers, the employer gave accrued vacation benefits to workers who crossed the picket line in the form of cash payments, but denied the accrued vacation benefits to strikers, even though they had earned the benefits by their past employment.

The Supreme Court held that this was discrimination in its simplest form; and that the labor act prohibits this type of discrimination, which targets participation in concerted activities such as a legitimate strike.

Great Dane Trailers takes on additional significance because of its holding concerning the burden and degree of proof necessary to prove that an employer discriminated to discourage union membership and activities. Ordinarily, wrote the Court, a finding of a violation turns on whether the discriminatory conduct was motivated by an antiunion purpose. If it was motivated by a legitimate business purpose, it would not be a violation. But the Court added:

> Some conduct, however, is so inherently destructive of employee interests that it may be deemed proscribed without need for proof of an underlying improper motive.

On the other hand, when the resulting harm to employee rights is comparatively slight, and a substantial and legitimate business end is served, the employers' conduct is prima facie lawful and an affirmative showing of motivation must be made.

This prompted some commentators to suggest the end of Mackay Radio on the theory that the use of permanent replacements is inherently destructive of employee interests and therefore automatically proscribed. In contrast, the use of temporary replacements against strikers is comparatively slight and therefore unlawful only if the employer fails to come forward with evidence of legitimate and substantial business justification.

Fourth, in Fleetwood Trailers, the employer hired permanent replacements during a strike, and refused to reinstate the strikers when vacancies occurred thereafter.

The Court held that a striker, even when replaced, remains an employee within the meaning of the statute, and consequently has priority rights to the job over a stranger, if and when an opening occurs at strike's end. This is so because the effect of the employer's refusal to reinstate strikers is to discourage employees from exercising their rights to organize and to strike guaranteed by sections 7 and 13 of the act. The Court then applied the rationale of Great Dane Trailers and ruled that the employer has violated the act, as it had failed to prove legitimate and substantial business justifications for its refusal to take back the former strikers.

B. THE CHANGE OF COURT PERSONNEL AND THE CHANGE OF DIRECTION TIGHTENING THE SCREWS ON MACKAY RADIO

Great Dane Trailers and Fleetwood Trailers were decided in the heyday of the Warren Court. It was anticipated that the inherently destructive, and the substantial business justification tests would dethrone Mackay Radio. Surely, hiring permanent replacements is inherently destructive of the right to strike. Surely, even if hiring permanent replacements has only a comparatively slight adverse effect, the employer would have difficulty in proving a substantial business justification for hiring permanent replacements instead of using the more traditional techniques of coping with a strike. But this was not to be.

First, Belknap, Inc. versus Hale was decided by the Burger Court, and held that if the employer went back on his promise of a permanent job, the replacements hired during the strike could sue for damages in the local State courts.

The Court also ruled that "the refusal to fire permanent replacements because of commitments made to them in the course of an economic strike satisfies the requirements of NLRB versus Fleetwood Trailer Co. that the em-

ployer have a 'legitimate and substantial justification' for his refusal to reinstate strikers."

Belknap presents a scenario all too common in today's labor-management relations. The union and company began negotiations for renewal of the collective-bargaining agreement, but could not reach agreement. The union called a strike, and Belknap put ads in the local newspapers:

Permanent Employees Wanted
Belknap, Inc.

Openings available for qualified persons looking for employment to permanently replace striking warehouse employees. Minimum starting rate $4.55 per hour. Top rate $5.85, depending on skill, ability, and experience.

A large number of people flocked to the plant and signed individual employment contracts reciting that:

I, the undersigned, have been employed by Belknap, Inc. at its Louisville, Kentucky, facility as a regular full time permanent replacement to permanently replace ——— in the job classification of ———.

Belknap then made a mistake of law. It granted a wage increase to those who stayed on the job, higher than the wage increase it had offered the union. This is an unfair labor practice, and the strike then became an unfair labor practice strike. Under Mastro Plastics the strikers could get their jobs back on demand. Belknap thus was forced to rehire the strikers, and he fired the cross-overs who had been promised permanent jobs. They then filed suit for damages in the State court, and the Supreme Court ruled that Federal law did not preempt the State cause of action. Belknap puts the employer in a box. If he hires permanent replacements to break a strike, he cannot reach a settlement agreement which includes taking back the strikers. Under Belknap he would then face a lawsuit before a State jury. On the other hand, if he refuses to take back the strikers no matter what, they will have nothing to lose and will prolong the strike at all costs. Thus, Belknap tightens the screws of Mackay Radio.

Second, the Trans World Airlines case upheld the right of an employer to offer strike replacements permanent super seniority in jobs previously filled by those on strike. It has been discussed previously. Suffice it to say here that the decision strengthens Mackay Radio's pressure on employees to forgo their right to strike, expands Mackay Radio to reach cases under the Railway Labor Act, and undermines the Warren Court decision in Erie Resistor prohibiting offers of super seniority to those who cross the picket line.

THE RIGHT TO STRIKE IS INTEGRAL TO THE SUCCESS OF COLLECTIVE BARGAINING

Back in 1935 when Congress passed the Wagner Act, our object was to provide employees with a meaningful role in working out their terms and conditions of employment with their employer. Congress saw an inequality in bargaining power, and set about to correct it. The solution was to confer upon employees a series of protected rights—to join, form, and assist unions; to bargain collectively through unions of their own choosing; to engage in concerted activities for mutual aid and protection; and, when necessary, to strike in support of their bargaining positions.

This right to strike was and is the keystone of our national labor relations program. If employees cannot mount a meaningful strike threat, the Federal labor policy does not work without it. There is no incentive for the employer to make concessions or reach agreement. From the first, it has been understood that the right to strike is essential to the give and take of true collective bargaining. Without this threat, negotiations degenerate into a sterile charade.

The courts have understood the need for strike power since the very beginning. Indeed, the square holding of the Mackay decision was that an employer violates section 8(a)(3) of the Labor Act when he discriminates against his employees because of their role in leading a strike.

Strike power is the go power of collective bargaining. The notion has never been better expressed than by Justice William Brennan in *NLRB* v. *Insurance Agents' International Union*, 361 U.S. 475 (1960). The union committee was bargaining in good faith at the bargaining table, but away from the bargaining table the insurance agents brought pressure on their employer with what they called a "Work Without a Contract" policy. This included a refusal to solicit new business, reporting late at district office meetings, and engaging in mass demonstrations at the company's home office.

The Labor Board concluded that the union breached its obligation to bargain in good faith when it utilized these harassing tactics; the very antithesis of the reasoned discussion it was duty bound to follow. The Supreme Court thought otherwise.

Justice Brennan first concluded that these harassing tactics were not protected under the act, and that the employer, if so minded, could discharge all the participants. But, the Court concluded, there was no violation of the duty to bargain. Collective bargaining, he wrote, cannot be equated with an academic collective search for truth, and consists of far more than argument, persuasion, and the free interchange of views. Justice Brennan concluded:

The system has not reached the ideal of the philosophic notion that perfect understanding among people would lead to perfect agreement among them on values. The presence of economic weapons in reserve, and their actual exercise on occasion by the parties, is part and parcel of the system that the Wagner and Taft-Hartley Acts have recognized. * * * One writer recognizes this by describing economic force as "a prime motive power for agreements in free collective bargaining."

Our concept of collective bargaining, as Justice Blackmum put it in *First National Maintenance Corp.* v. *NLRB*, 452 U.S. 666 (1981), is premised on the belief that collective discussions backed by the parties' economic weapons will result in decisions that are better for both management and labor and for society as a whole.

The Mackay Radio dictum undermines the employees' principal economic weapon and blocks the road to meaningful, successful collective bargaining. Mackay Radio should be reversed by enacting H.R. 5.

MACKAY RADIO INTERFERES WITH, IMPEDES AND DIMINISHES THE RIGHT TO STRIKE

Mackay Radio authorizes the employer to replace strikers permanently. True enough, somewhere down the road the replacements might decide to take themselves elsewhere. If so, the striker will have priority in filling the vacancy, unless he has found another job. See *NLRB* v. *Fleetwood Trailer Co.*, 389 U.S. 375 (1967). But this is small solace to the striker whose job is terminated here and now.

The notion that anyone should recognize a fundamental difference between an employer's decision to discharge a striker and an employer's decision to "permanently replace" a striker ignores practical reality. In both instances, the employee is out of work because he exercised his right to strike.

Prof. Paul Weiler of the Harvard Law School wrote that while the law might recognize a distinction:

The employee may be excused for not perceiving a practical difference as far as his rights under section 7 are concerned. The bleak prospect of permanently losing his job is obviously likely to chill an employee's willingness to exercise his statutory rights to engage in "concerted activities" 98 Harv. L. Rev. 351, 389–390 (1984).

Prof. George Schatzki of the University of Connecticut adds that the distinction between discharge and "permanent replacement" is meaningful even when looked at from an employer's perspective:

The distinction between permanent replacement and discharge can hardly mean anything to the displaced employee; and to the employer it can mean little more. * * * As a practical matter, in almost all cases the *Mackay* doctrine—despite its articulated distinction—is an invitation to the employer, if he is able, to rid himself of union adherents and the union. 47 Texas L. Rev. 378, 383 (1969).

One need look no further than the Greyhound strike to refute any suggestion that being replaced is somehow different in kind from being fired.

At Greyhound, approximately 9,300 employees went on strike rather than accept the company's contract proposal. Three weeks before the strike

began the company advertised throughout the United States for permanent replacements. When the strike began, the company wrote all the strikers, referred to the "TWA Supreme Court decision in 1989," and told them "if you abandon the strike and return to work before a contract is reached you will not be fired nor laid off to make room for a more senior driver returning at a later date."

When the union finally made an unconditional offer to return to work, the company replied that at best, no more than 600 jobs were available. For the other thousands of workers, being fired or permanently replaced for choosing to strike amounted to the same thing: a career destroyed, financial ruin, and untold personal hardship.

THE MACKAY DOCTRINE UNDERMINES THE PROCESS AND PROCEDURE OF COLLECTIVE BARGAINING

Lane Kirkland, president of the AFL-CIO began his testimony before our committee with the statement that the Mackay doctrine "poisons the development of healthy and mutually beneficial collective bargaining relationships." This is so, said Mr. Kirkland, because—

> Mackay allows employers to convert a dispute over the terms of a particular collective bargaining agreement into a dispute over the future status of the union and over the collective bargaining relationship itself.

Lynn R. Williams, president of the United Steelworkers of America, echoed this thought when he testified that:

> Mackay can prolong strikes and defeat the NLRA's objective of securing prompt resolution of collective bargaining disputes. Once an employer hires permanent replacements, the ongoing negotiations become vastly more complicated. To the issues that already divide the parties, there is now added a dispute over whether the employer will take back the strikers in preference to the permanent replacements. Parties who could have reached agreement on the issues they started out to negotiate, founder over the new issues that Mackay necessarily injects into the bargaining. Agreements are lost or delayed; industrial strife proliferates.

Richard L. Trumka, president of the United Mine Workers of America, characterized the Mackay doctrine as a cancer destroying free collective bargaining:

> By raising the stakes of what should be a limited conflict over limited objectives, the employment of permanent strike replacements transforms an economic strike—a strike over the terms and conditions which will govern the strikers' employment when they resume work—into a life or death struggle which can only be settled by the economic destruction of one of the parties.

The experience of these three labor leaders, who live with the problem of Mackay Radio every day of the year, is supported by all the empirical evidence.

A. DURING THE ORGANIZATIONAL CAMPAIGN

Collective bargaining begins when employees exercise their right guaranteed by section 7 of the act to "form, join, and assist unions." But all too often the employer heads off the organizing campaign with a statement like this:

> If I am required to bargain and I cannot agree, there is no power on earth that can make me sign a contract with this Union, so what will probably happen is that the Union will call a strike. I will go right along running this business and replace the strikers. They will lose all their benefits. Strikers will draw no wages, no unemployment compensation and be out of a job.

See *Dal-Tex Optical Co.*, 137 NLRB 1782 (1962). Such statements are permitted by the Labor Act as long as the employer remembers to add at the end that he must take back the strikers if and when strike replacements leave and create vacancies. *Baddour, Inc.*, 303 NLRB No. 36 (May 31, 1991).

Frank McCulloch, Chair of the NLRB for 15 years, notes that such Mackay Radio warnings played a prominent role in almost all the election files he has. Texas Law Prof. Julius Getman testified that in virtually all of the 35 union organizing campaigns he studied, the employer announced that it would bargain tough so that employees would have to strike to gain substantial benefits.

President Lynn Williams of the Steelworkers Union summed it all up when he said "vast numbers of employees forego unionizing altogether because of Mackay" because:

> Workers will not unionize if they fear that the consequence will be permanent job loss. And employers exploit that fear. In every organizing drive, the employer emphatically warns employees of its right to permanently replace them if they strike. It should not be surprising that employees who would otherwise favor unionization will shy away in the face of this danger.

B. AT THE BARGAINING TABLE

Should a majority of the employees designate or select a union as their bargaining representative, the employer is required by section 8(a)(5) of the act to bargain with the union in good faith. But once again, Mackay Radio can make a charade out of what should be a serious discussion of wages, hours, and other terms and conditions of employment. Without the right to strike, collective bargaining degenerates into collective begging.

In 1991, the United Auto Workers asked its international staff representatives across the country to respond to a union survey about the impact of employer use or threatened use of striker replacements since the mid-1980's. Twenty of the responses discussed the "impact of employer's threat on bargaining." Eighteen of these 20 responses reported "accepting concessions or worked without a contract."

Why were 18 of the 20 UAW locals unable to reach agreement at the bargaining table? Professor Getman provides one possible answer with his testimony that:

> Mackay makes it tempting for employers to bargain not to reach an agreement but rather to force a strike so that it can permanently rid itself of union supporters and very possibly the union itself.

C. DURING THE STRIKE

Should the workers go on strike, as is their right under sections 7 and 13 of the Labor Act, the use of Mackay Radio permanent replacements will, in the words of Lane Kirkland, serve only to poison the situation. All the evidence—Greyhound, International Paper, Continental Air, Phelps Dodge, and on, and on, and on serves only to prove that the growing use of permanent replacements exacerbates the length, intensity, and bitterness of strikes. It in no way encourages the practice and procedure of collective bargaining. Once an employer hires permanent replacements, the ongoing negotiations become vastly more complicated. To the issues already dividing the parties, there is now added a dispute over whether the employer will take back the strikers in preference to the permanent replacements. When all other issues are resolved, the strike continues over the permanent replacement issue and can reach the point of no return.

Witness the recent strike at the New York Daily News where the use of replacements turned the strike white hot. The paper advertised for replacements in anticipation of the strike and gave them 4 weeks training before the strike even started. The replacements worked for less than the wage paid to the strikers, sometimes half as much. These circumstances sent the signal that this was a fight to the end. Strikers, many with a lifetime of employment with the Daily News, knew they had little chance of finding comparable work elsewhere. They knew that hundreds of workers would lose their jobs anyway as part of the settlement to drive down production costs and that many more would be ousted if management insisted on retaining the replacements in a settlement to keep the paper open. The strikers no longer felt a stake in the paper's future, and their theme became "settle, sell, or sink." This is exactly the situation the 1935 National Labor Relations (Wagner) Act was designated to eliminate from the American labor scene.

THE REPEAL OF MACKAY RADIO WILL NOT CAUSE STRIKES TO PROLIFERATE

The suggestion has been advanced that if workers do not lay their jobs on the line when they go on strike; if workers can strike at will with a guaranty of their job back on demand, American workers will abuse their right to strike to the detriment of their company and the public at large.

But American unions are not strike-happy, and for good reason. As Lane Kirkland put it, a strike is "not a trip to Disneyland." Moreover, he testified, "Strikers recognize that their eco-

nomic interest are bound up with the employer's economic interest. They know that if they cause their employer long-term harm, they cause themselves long-term harm."

Owen Bieber, president of the United Auto Workers, grew indignant at the suggestion that enactment of H.R. 5 would encourage strikes, would somehow make work stoppages risk-free. He testified that:

These arguments totally ignore the fact that under H.R. 5 workers would continue to lose their paychecks when they go out on strike. It is simply insulting to workers to suggest that the loss of their paychecks is "little to lose" or "risk-free." I can only assume that persons making these arguments haven't missed too many paychecks.

In our union, a strike can only be authorized where it is approved in a secret ballot election by a two-thirds vote. We require a two-thirds vote because, as inconvenient as a strike may be to the public, it can cause even greater inconvenience to the striker's family. Let me assure you that for the average worker, the prospect of missing a paycheck or several paychecks is a very serious matter. Ordinary workers don't have stock portfolios or certificates of deposit to tide them over.

A majority of states deny unemployment benefits to workers in labor disputes. And the federal government denies food stamps and welfare benefits to a striker's family, even if the family otherwise qualifies. Strike benefits from unions are small or non-existent. And it is usually difficult for strikers to find other jobs because most employers won't hire workers who are on strike at another company. Thus, it is simply nonsense to suggest that workers will somehow become "strike happy" if H.R. 5 is enacted.

Captain Duffy, of the Air Line Pilots Association, concluded his eloquent testimony in the Senate with these observations:

One final point which I cannot emphasize strongly enough; it is that eliminating the permanent replacement option is not likely to result in any rash of strikes or labor turmoil to the detriment of the public. Quite the contrary, employees in our industry are not "strike-happy." Pilots especially are cautious and risk-averse by nature; after all, those are the qualities you want in a pilot. Moreover, pilots—indeed, virtually all employees who are subject to the RLA—are now operating in a deregulated environment. They know full well that their jobs depend on the ability of their companies to compete in the marketplace. They also know full well that their wages and working conditions are tied to the economic health of their employers. And, lastly, they know full well that a strike which deprives their company of market share or drives the company into bankruptcy will not be in their interest. As much now as ever, pilots and other transportation employees want to settle their differences with their employer through bargaining, rather than through strike action.

A strike always has been a weapon of last resort; if anything, airline deregulation has made that even clearer. In fact, there have been many situations in the airlines and in other industries where workers were most reluctant to go on strike, and it was management that stonewalled and maneuvered to force the workers into a strike, planning all along to use the strike as an opportunity to replace workers and drive their union from the property.

Elimination of the permanent replacement option as proposed in S. 2112 will not be destabilizing; rather it is the continued use of that option or the threat of its use which is far more likely to result in intolerable conflict and confrontation.

SECTION 8(a)(5) AFFORDS NO PROTECTION WHEN EMPLOYERS FORCE A UNION TO STRIKE WITH UNACCEPTABLE BARGAINING DEMANDS AND THEN "BUST" THE UNION WITH PERMANENT REPLACEMENTS

Back in July 1988 when hearings first began on what is now H.R. 5, James P. Melican, vice president of the International Paper Co., initiated an attack on the pending legislation which has been repeated time and again ever since. Here is what Mr. Melican said:

As you know, when employees are organized in a bargaining unit, the law requires that employers bargain in good faith on certain defined matters with the representatives of that unit. I suggest to you that, if the company's preconceived intent was in fact to "bust" the union, it would not have been bargaining in good faith, and would under existing law be subject to an unfair practice charge. In short, *if a deliberate effort on the part of an employer to destroy its employees' union were the problem, no change in the law would be needed.*" (Italic supplied.)

This contention is currently repeated by the minority of our committee with its assertion that should employers use the Mackay weapon to "bust" unions by refusal to bargain in good faith, "they will be ordered to reinstate any striking employees, displacing any Mackay replacements, and/or to bargain in good faith."

The minority then hastily adds that "the NLRB has been realistic enough to recognize that present economic realities may require 'hard bargaining' by employers in order to remain in business."

Aye, there's the "rub": to distinguish between lawful hard bargaining and unlawful surface bargaining. Finding illegal "surface bargaining" is more difficult than finding a needle in a haystack. Why? Because our labor law is predicated on the concept of "free collective bargaining"; free from Government regulation and control. As the Supreme Court succinctly put it in *Terminal Railroad Association of St. Louis* v. *Trainmen*, 318 U.S. 1, 6:

The Railway Labor Act, like the National Labor Relations Act, does not undertake governmental regulation of wages, hours, or working conditions. Instead it seeks to provide a means by which agreement may be reached with respect to them. The national interest expressed by those Acts is not primarily in the working conditions as such. *So far as the Act itself is concerned these conditions may be as bad as the employees will tolerate or be made as good as they can bargain for.* The Act does not fix and does not authorize anyone to fix generally applicable standards for working conditions. (Italic supplied.)

During the Wagner Act debate, the chairman of the Senate Committee explained the concept of good faith bargaining in this oft cited language:

When the employees have chosen their organization, when they have selected their representatives, all the bill proposes to do is to escort them to the door of their employer and say, "Here they are, the legal representatives of your employees." What happens behind those doors is not inquired into, and the bill does not seek to inquire into it. *NLRB* v. *Insurance Agents' International Union*, 361 U.S. 477 (1960).

When the early Labor Board in the Wagner Act days began to examine the content of the bargaining proposals and counter-proposals, to determine whether or not the employer was merely "going through the motions" and engaging in "surface bargaining" only, the Taft-Hartley Congress responded with a new section 8(d) which emphatically declares that the obligation to bargain in good faith: "does not compel either party to agree to a proposal or require the making of concession."

In refusal-to-bargain cases, the Labor Board is not to be blinded by empty talk. Good faith bargaining in theory requires more than a willingness to enter upon sterile discussion. Both parties must make an honest effort to come to terms and "merely going through the motions" will not suffice. *NLRB* v. *Truitt Manufacturing Co.*, 351 U.S. 149 (Frankfurter, dissenting).

But in practice, good faith bargaining is "not necessarily incompatible with stubbornness or even with what to an outsider may seem unreasonableness." *NLRB* v. *Truitt Manufacturing Co.*, 351 U.S. 149 (Frankfurter, dissenting).

Chief Justice Fred Vinson summed it up in *NLRB* v. *National Insurance Co.*, 343 U.S. 395 (1952) with his conclusion that:

[T]he Act does not encourage a party to engage in fruitless marathon discussions at the expense of frank statement and support of his position. And it is equally clear that the Board may not, either directly or indirectly, compel concessions or otherwise *sit in judgment* upon the substantive terms of collective bargaining agreements. (Italic supplied.)

The Court held that an employer did not violate its duty of good faith bargaining when it put a sweeping managements rights proposal on the table and refused to budge. The proposal gave management the unreviewable right to select and hire, promote, discharge, demote, discipline, and determine schedules of work.

Should a labor union strike it lucky and win refusal-to-bargain case, it will not have won very much. One need not look beyond the Labor Board's opinions to verify this statement. Here is what the Board said when it rejected a proposal to make the employees whole—a make-whole remedy—by ordering the employer to pay those wages he would have agreed to pay had he bargained in good faith:

We have given most serious consideration to the Trial Examiner's recommended financial reparations Order, and are in complete agreement with his findings that current remedies of the Board designed to cure violations of Section 8(a)(5) are inadequate. A

mere affirmative order that an employer bargain upon request does not eradicate the effects of an unlawful delay of two or more years in the fulfillment of a statutory bargaining obligation. It does not put the employees in the position of bargaining strength they would have enjoyed if their employer had immediately recognized and bargained with their chosen representative. It does not dissolve the inevitable employee frustration or protect the Union from the loss of employee support attributable to such delay. *Ex-Cell-O Corporation*, 185 NLRB 107 (1970).

The short of the matter is that section 8(a)(5) gives no protection when employers such as Continental Air, Phelps Dodge, Greyhound, International Paper, and countless others set out to force a strike with totally unacceptable bargaining demands, and then break the strike—and the union—with permanent replacements. Employers know this. The minority knows this. It is a specious argument. It has no legitimate place in this debate.

THE MASTRO PLASTICS DOCTRINE AFFORDS NO RELIEF WHEN EMPLOYERS VIOLATE THE FEDERAL LABOR ACT BY PRECIPITATING A STRIKE WITH UNACCEPTABLE BARGAINING DEMANDS AND THEN HIRE THEIR WAY OUT OF A BARGAINING RELATIONSHIP WITH PERMANENT REPLACEMENTS

Mastro Plastics Corp. v. *NLRB*, 350 U.S. 270 (1956) holds that employees who strike to protest unfair labor practices on the part of their employer can get their jobs back on demand. This is in contrast to employees who strike over economic matters, such as wages, hours, health benefits, and the like.

Employers seize upon Mastro Plastics as a cure for the problem before us. They contend that it is an unfair labor practice for an employer to put extreme, harsh, and unacceptable bargaining demands on the table for the purpose of forcing a strike and then replace the strikers with more docile permanent replacements. Under Mastro Plastics, the workers can strike in protest, and replace their replacements at strike's end. So, "not to worry," they say.

We have demonstrated that it is virtually impossible to prove that an employer bargains in bad faith. Neither the Labor Board nor the courts "sit in judgment" upon the substantive terms of collective bargaining proposals, *NLRB* v. *National Insurance Co.*, 343 U.S. 395 (1952). Proposals "may be as bad as the employees will tolerate or be made as good as they can bargain for." *Terminal Railroad Association of St. Louis* v. *Trainmen*, 318 U.S. 1.

But, in any event relief under the Labor Act comes far too late to offer justice. Year in and year out, it takes nearly 3 years to process an unfair labor practice case.

The process begins when an employee files a charge with the regional office of the National Labor Relations Board. The Board employees investigate, and if the charge has merit, they issue a complaint. This takes approximately 48 days.

When the complaint is served, the matter is tried before an administrative law judge, sent to the scene of the alleged violation. There is an average time span of 155 days between the filing of the complaint and the end of the hearing.

The administrative law judge waits for the record to be transcribed, and then writes an opinion. This accounts for 158 days.

An aggrieved party can file exceptions to the administrative law judge report and appeal the case to the Labor Board. On the average, there is a time span of 484 days between the decisions of the administrative law judge and the Labor Board.

This does not end the matter. An aggrieved party can seek judicial review, and some 500 NLRB decisions are appealed each year. The time between decision by the Labor Board and decision by the appellate court averages 485 days.

The Mastro Plastics road to justice may be adequate for those with money and time to spare, but for discharged, displaced workers with no income and families to feed, the delay of justice for nearly 1,000 days is truly justice denied.

This Mastro Plastics argument lacks legitimacy in this debate, and its proponents know this full well.

WHY NOW, AFTER A HALF CENTURY

Mackay Radio was decided in 1938. The Court held that it was unlawful to discriminate against strikers because of their leadership in a lawful strike, but went on the say in an off-hand way that the company was not bound "to discharge those hired to fill the places of strikers upon the election of the latter to resume their employment in order to create places for them."

This unfortunate dicta lay like a loaded pistol available for use but, in the main, kept in the holster. True enough, employers used it in election campaigns to threaten workers with replacement and unemployment should they dare to vote for a union and begin bargaining.

Employers in right-to-work States or other union-free environments used it against low-skill employees in small and marginal bargaining units in times of high unemployment. But these victims lacked political clout and lacked ability to thrust the strike replacement issue to the forefront of national debate and congressional attention.

The issue did not really surface until the 1980's, when President Reagan discharged some 12,000 or more air traffic controllers when they went on an illegal strike.

The 1930's, when Mackay Radio was decided, was the time of CIO mass organizing campaigns and sit-down strikes. Organized labor's great struggle was to get organized and obtain first contracts. The strikes of that period were to force employers to recognize the union, and to protest employer "unfair labor practices." The Macay Radio doctrine did not apply to strikes of this sort.

Then came World War II, with labor's voluntary pledge not to strike. And the War Labor Board saw that pledge was enforced. When it was not, when John L. Lewis led the mine workers on a strike, the courts ordered them back to work.

After the war, Congress responded to a wave of strikes with the Taft-Hartley amendments. Attention centered on issues such as the closed shop, secondary boycotts, jurisdictional disputes, featherbedding, and the like.

Strike replacement remained largely dormant as a public policy question for the ensuing 20 or 30 years. The tone of industrial relations was set by big business/big labor collective bargaining relationships in the major industries. Equal pay for equal work, a pension plan, health insurance, a guaranteed annual wage—these were the issues in the workplace.

Mackay Radio was not an issue. Most employees accepted the practice and procedures of collective bargaining, however, reluctantly. And they knew that the long-term industrial relations consequences of employing permanent replacements are bitterness, strife, and lasting impediments to productivity. Although the power to replace strikers was there, it was rarely utilized by the trend-setting employers.

The short of the matter is that before 1980 it was extremely rare for employers to hire permanent replacements during an economic strike. A study by labor experts at the University of Pennsylvania Wharton School in 1982 described the use of permanent replacements as a weapon which "has only seldom been used. It has not become a basis part of the American system of collective barganing." Perry, Kramer, and Schneider, "Operating During Strikes: Company Experience, NLRB Policies, and Governmental Regulations," Labor Relations and Public Policies Series No. 23, University of Pennslvania (1982), page 123.

All this changed in the 1980's, after President Reagan broke the PATCO strike by firing and replacing more than 12,000 air traffic controllers. Company after company followed suit. Intended or not, the Presidential message they heard was that collective bargaining is no longer the public policy of the United States. It was now respectable to destroy unions. The pistol, loaded in 1938 by Mackay Radio, was now unholstered, and it has been fired again and again.

The Nixon-Reagan Supreme Court gave it even heavier ammunition with its Trans World Airlines decision.

Continental Air Lines, Phelps Dodge Copper Co., International Paper Co.,

Greyhound Bus Lines are merely the tip of the iceberg. There is a groundswell of similar action throughout the business community. Study after study tells us this is so.

1. GENERAL ACCOUNTING OFFICE

During 1990, the General Accounting Office studied trends in the use of permanent replacements during the 1970's and during the 1980's. Two of every three employer representatives, and seven of every eight union representatives who had an opinion, told the GAO that permanent replacements were used more often in the late 1980's than in the late 1970's. Employers told their employees they would hire permanent replacements in one-third of the strikes—31 percent in 1985; 35 percent in 1989. Employers actually hired permanent replacements in 17 percent of the strikes in both 1985 and 1989, replacing about 4 percent of all striking workers.

2. GRAMM STUDY

Professor Cynthia Gramm of the University of Alabama-Huntsville studied 35 strikes across the country—United States—and 21 strikes in New York. Employers hired permanent replacements in 16 percent of the U.S. sample and 24 percent of the New York strike sample. Those who hired permanent replacements responded that this was their first attempt to hire replacement workers.

3. AFL-CIO EMPLOYEE BENEFITS DEPARTMENT

The AFL conducted a study of 1990 strikes which involved 1,000 or more employees. Health care benefits was a major issue in 55 percent of the strikes. Some 11 percent—26,450—of the strikers were permanently replaced.

4. UNITED AUTO WORKERS STUDY

In 1991, the UAW conducted a study of 42 recent strikes. In 28, permanent replacements were hired. In 26 strikes representatives reported replacements were hired within 2 weeks, and in two situations replacements were hired before the strike began. In 12 cases, employers advertised for replacements before the strike began. Thirteen cases resulted in the union's decertification.

The pistol loaded by Mackay Radio in 1938 is being fired. Once again, Congress must act to "encourage the practice and procedure of collective bargaining." This was the promise of the Wagner Act in 1935. It is our obligation to make good on it today.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA] who is the ranking member on the Subcommittee on Labor-Management Relations.

Mrs. ROUKEMA. Mr. Chairman, I rise in opposition to H.R. 5—a bill whose proponents claim will close a loophole in the law.

Be not misled.

This bill goes beyond loopholes to a fundamental rewrite of existing law and turns 50 years of labor law and legal precedent on its head and inside out.

H.R. 5 completely eliminates the historic balance, purposely set in motion, to protect both management and labor during the collective bargaining process. That balance was achieved by giving workers the right to strike and management the recourse of hiring permanent replacements.

This bill returns us to the days of widespread labor unrest and hastens the close-down of many businesses.

In fact, it will eliminate the historic balance and do nothing to address the question of how to deal with unfair labor practices.

Current law amply protects the right to strike, and the right to continue business operations during an economic strike. Both sides have something to lose if they fail to reach a collective bargaining agreement:

Labor is threatened with the prospect of permanent replacement if it goes on strike.

Business is faced with the decline in productivity and profits which invariably accompany a strike whether or not permanent replacements are employed.

These risks are designed to encourage settlement of labor disputes. For 53 years this balance of risk has served labor and management very well, and has never been seriously questioned by the Congress, or by the Supreme Court, which first articulated the permanent replacement doctrine in the Mackay Radio decision in 1938, and which has reaffirmed Mackay countless times since then.

If H.R. 5 were to become law, the consequences to the economic health of this country would be enormous, as strike activity increased and as employers were forced to accede to sustainable economic demands by labor or risk going out of business altogether. Nonunion workers in related businesses could find themselves out of work as a domino effect of stalled industries and services respond to prolonged shutdowns by laying off employees.

Moreover, the proponents of H.R. 5 have not made the case that this bill is in any way necessary. They cite increased use of permanent replacement workers by businesses engaged in union busting, but the facts don't bear out this contention. The GAO studied the matter and concluded that permanent replacement workers were used in only 17 percent of recent strikes, and that only 4 percent of all workers were not reinstated after a strike ended as a result of being permanently replaced.

That economic strikes have become more bitter cannot be credibly disputed. But the economic pressures on both employees and business have increased dramatically in the past 10 to 15 years. Exacerbating current labor-management difficulties are growing disagreements about who will bear the increased costs of health insurance, employees or employers? In point of fact, health benefits were a major issue in work stoppages involving 18 percent of workers who went on strike in 1986 and that figure jumped to 78 percent of all striking workers by 1989.

The cost of health insurance is a major irritant in labor-management relations that cannot be ignored. However, this problem cannot be laid at the door of business, management's health insurance costs have risen dramatically and management has had no choice but to seek concessions from labor to assist in bearing those costs. And many employers have joined in the call for universal health insurance coverage because they cannot cope with this crisis and know they cannot shift the burden to their employees. Health benefit costs are going to continue to be contentious and seemingly irreconcilable as to who will bear the burden, and we will see bitter labor disputes centered on health costs with or without permanent replacement workers.

Moreover, many of the high-profile economic strikes of recent years can be attributed to wild merger and acquisition activity that has seen new management call for concessions from labor in order to meet the debt of a heavily leveraged buyout. While I realize that is small consolation for a worker who faces wage or benefit cuts, we simply cannot run to pass H.R. 5 without taking into account the factors that have contributed to labor-management tensions. These factors are broadly economic in nature, and not attributable to hiring replacement workers.

A good example of these tensions is the strike involving the New York Daily News. As you know, the unions called a strike and refused to negotiate further with management, which sought personnel cuts and wage concessions. There were very persuasive contentions that the union had indulged in widespread featherbedding which had become economically disasterous for the paper, and contributed mightily to management's requests for cutbacks. After a prolonged and intensely bitter strike in which permanent replacements were employed, the paper finally said it would find a buyer or go out of business. At the eleventh hour a buyer was found. The new owner offered the unions a deal that included personnel and wage cutbacks similar to those offered by the Daily News management and rejected by the unions in the first place. There is a lesson to be learned here, and that lesson is that unions have no monopoly on wisdom, fairness or common sense and that they can lead employees down the garden path to no avail. If H.R. 5 were the law, the

Daily News would have had to shut down without permanent replacement workers resulting in a loss of the jobs of union members and others forever.

Another important issue in this debate are the well-documented delays in adjudicating employee rights at the National Labor Relations Board. Any employee who is found by the Board to have been striking in response to or in the course of unfair labor practices by an employer is entitled by law to immediate reinstatement and back pay. However, it routinely takes up to 2 years for the Board to finally adjudicate an unfair labor practice complaint. Appeals courts are regularly throwing out Board orders because of the inexplicable and inordinate delay in issuing orders up to 7 years after the case was referred to the Board.

These delays have jeopardized the integrity of the National Labor Relations Act and resulted in justified frustration by both employees and employers who languish in uncertainty. Justice delayed is justice denied. While I will wait until debate on the substitute offered by my colleague and ranking minority member Congressman GOODLING to address this problem more freely, I am here to tell you that without reform of the National Labor Relations Board, we will never even begin to get our house in order in the labor-management relations arena.

And as to the contention of the supporters of H.R. 5, that all other industrialized workers decline to permanently replace striking workers except the United States and South Africa, I would like to point out that in Japan, they have company unions, and therefore it is in no way comparable to United States labor law. Germany prohibits strikes which would grievously wound an employer, and in the Netherlands, courts can enjoin strikes and prevent them from taking place altogether. There is hardly a case to be made for the U.S. emulating other nations' labor laws.

The essential point here is that the law is designed to manage collective bargaining disputes. It is not designed to have unfair advantage to either side, and current law does not have such an advantage. What the proponents of H.R. 5 ignore in pressing for this bill is the fact that the law acts as a referee to both sides, with voluntary agreement as its goal. If business could not permanently replace economic strikers, the law would turn instead to allowing labor to hold all the cards in a dispute, leaving business completely vulnerable.

Let's look at some of the limits on the right of business to continue operations with permanent replacement workers:

The ability of employers to continue operations using permanent replacement workers was most recently reaffirmed in 1990 in NLRB versus Curtin Matheson Scientific where the court ruled that employer may not presume that replacement do not support the striking union. An employer commits an unfair labor practice by refusing to bargain with the union without benefit of a representation election in which permanent replacements and striking workers are allowed to vote. In fact, permanent replacements remain members of the bargaining unit which went on strike, and statutory employees under the NLRA for a period of 1 year.

The permanent replacement doctrine is not some moldy dicta articulated by the Supreme Court 53 years ago and only recently gotten out of mothballs by business. It has been reaffirmed countless times by the courts, and refinements of the right to permanently replace economic strikers have been consistently made. For example, struck employers may not offer inducements, such as super-seniority, to strike replacements, and to do so constitutes an unfair labor practice. Nor may an employer pay replacement workers more than what was last offered to the union before the strike began. The courts have ruled that economic strikers who unconditionally apply to return to work remain employees and are entitled to full reinstatement upon the departure of the permanent replacement unless they have acquired regular and substantially equivalent employment, or the employer proves that the failure to offer reinstatement was for legitimate and substantial business reasons. And reinstated strikers are entitled to all benefits, including past seniority.

And H.R. 5 creates unprecedented privileges for union workers, who may not be permanently replaced, and nonunion workers, who may undertake an economic strike, but who, under H.R. 5, may be permanently replaced. I must remind my colleagues that the National Labor Relations Act protects the right to join a union and engage in concerted activity and the right to refrain from doing so. This is a cornerstone of our labor laws, and we would be throwing out over 60 years of hard won battles to provide balance to labor-management relations by protecting union workers to the detriment of nonunion workers. Again, I must stress that we must protect the right to strike, but under H.R. 5 we will effectively punish those who decline to join a union or to honor a picket line.

Finally Mr. Chairman, I wish to make the unequivocal statement that I would never be a party to union-busting or other tactics which diminish the lawful exercise of the right to strike. But what I am talking about here is maintaining the foundation of our system of collective bargaining, which is that both parties to a labor dispute must have the means necessary, both the right to strike, and the right to permanently replace, which make the prospect of a prolonged dispute costly and to be avoided by both sides. Neutral statistics from the GAO and the Bureau of National Affairs show that replacement workers are not being used with increasing frequency. The fact is that most collective bargaining disputes are settled voluntarily without resort to strikes or permanent replacement, and that most employers only hire such replacements as a last resort under severe economic duress.

Again, I urge my colleagues to vote against H.R. 5.

□ 1210

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

Mr. MURPHY. Mr. Chairman, I thank the gentleman from Missouri for the opportunity to address what is perhaps the most important labor legislation that this Congress will have considered in over 50 years. Over 50 years ago we enacted the National Labor Relations Act to establish equitable justice and peace between labor and management in our country. It has worked well for many, many years.

Yes, we have work stoppages, we have differences of opinion, and we have strikes, but they are generally peacefully settled through negotiation. In our country we say "Yes, you may work at your own business, you may create your own business, you may create your own profession, you may work at it, but once you have to reach out and ask your neighbor or your friend or someone else to work with you to help you produce those profits and that income, you must then consider the needs and desires of those people you are asking to help in your business to make your profit."

So the NLRA 55 years ago said that those people then have a right to negotiate what their working conditions and their salaries might be, and that if the negotiations are not immediately successful, labor can only then withhold their labor and say, "Until we have negotiated a new contract, we withhold that labor."

That is referred to as a strike. That right was given to the American workers, as it was to every democracy in this world. But now we have an administration and a court system that says, "Oh, yes, the act says you have a right to withhold your labor, but your employer has a right to bring someone else in and take your job."

The right is then taken away. That would restore that right only in instances where we have an organized union labor force.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, let me just take a moment to put in perspective my position in this debate. I am a former member of the Committee on Education and Labor, and I am a minority Member of this body. I am also a member of four unions and have been in strikes as a participant and an organizer, and my position on this particular legislation comes from experiences I have had on the picket line as well as in subcommittee.

The reason I am not able to support H.R. 5 and rise in support of the Goodling substitute and in opposition to the Peterson substitute is because in my feeling both positions that are before the House today have been too extreme. To do nothing is not enough, and to do what H.R. 5 proposes is too much. I base this on what labor leaders have said to me in my office. What comes out of those conversations is that unfair strikes and unfair lockouts are basically the same. They are unfair. Unfortunately, there is nothing in the Peterson substitute or in H.R. 5 that addresses unfair labor practices or that addresses expediting the processes of the National Labor Relations Board to do something about that. Only the gentleman from Pennsylvania [Mr. GOODLING] does that. That is why I will be supporting him and not this alternative.

However, it is not my purpose here today to debate the fine points of labor law or management law. I want to talk about the law that always gets caught in the crossfire of many of these labor bills, and that is the law of unintended consequences, because in this body and in this Congress and probably for many years to come, we are probably going to be talking about health care. I cannot think of a piece of legislation that is more detrimental to holding down costs and preventing delivery of health care than H.R. 5. Just recently the Supreme Court ruled in favor of the National Labor Relations Board when it told hospitals in this country that they can have as many as eight bargaining units. Anybody can tell us that the more bargaining units you have, the easier it is to strike. That is why individuals in the health care professions have come forward and said that this is a death knell for rural hospitals, urban hospitals, and particularly for those facilities that are fighting to stay alive.

Listen to this. This is from a nurse:

> Under this legislation, it is realistic to expect the housekeeping and dietary staffs to strike at the same time, or within several weeks of each other. The other nurses and I would be forced to work double shifts—one shift caring for our patients and one shift housekeeping and preparing meals. Working double shifts for an extended period of time will physically exhaust the nursing staff and affect the ability of nurses to make the care decisions essential to the well-being of our patients.

Mr. Chairman, right now it costs about $7,000 to $15,000 to replace a registered nurse. If we add H.R. 5 on top of the Supreme Court decision in the American Hospital Association versus The National Labor Relations Board, the law of unintended consequences will drive down the delivery of health care, will drive up health care costs, and will drive out of business the qualifed personnel that we desperately need to maintain quality in our health care system.

Mr. Chairman, I ask the Members to vote no.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, the right to strike without fear that you will be permanently replaced is an essential ingredient of labor-management relations. Workers should never be driven to despair.

Back in the mid-1930's, in my home town of Flint, MI, General Motors was engaged in speedups, in increasing production, and my father became a victim of those speedups. His production had been increased several times, and he would come home exhausted from work. One day he came home and told my mother and my brothers and sisters that his production had been increased again, and that he could not keep it up.

My father was a very mild man. I never heard my father use a swear word in his life. He would take us to mass every Sunday and lead us in the family rosary. He was a very mild man, but he had a sense of justice.

The next morning my father went to work, got his production out for the first hour, and it was excessive at that. The boss came by, counted the production, and then took out the famous pink slip to fire my father.

My father, this very mild man, peeled off his wire-rimmed glasses and laid them on the machine. He said, "Bob, if you sign that, they are going to carry one of us out of here, because I have five children at home to feed, and I am going to fight for my job."

Bob Shoars was a decent fellow. He took a chance and ripped up the card.

The UAW made a difference in my father. But since Ronald Reagan really made it acceptable to bash the unions around, I feel that without this legislation workers will have the same desperation that my father experienced during the 1930's. That desperation led to the famous sit-down strikes in Flint, MI, where the workers occupied the plants so they could not be replaced.

So, Mr. Chairman, let us restore to labor the only tool they have, the right to strike without the fear of losing one's job.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. FAWELL], a member of the committee.

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

In H.R. 5 unions are rebalancing labor and management rights under the NLRA to suit their fancy. These are unions that represent only a fading 12 percent of America's work force in private industry.

Their first effort in this rebalancing of labor and management rights is between the union, with its right to strike, and management, with its right to hire permanent replacement workers. And how is the rebalancing of this delicate balance done? It simply eliminates the right of employers to have that last resort, to hire permanent replacement workers. In fact, H.R. 5 labels an effort by an employer to hire permanent replacement workers as an "unfair labor practice." And so the most meaningful bargaining chip an employer has to balance off against a union's right to strike and close the employer's business is simply declared illegal. The fact that it has been an unquestioned right since passage of the Wagner Act in 1935 apparently means nothing to the union leaders who exposure H.R. 5.

So much for the union's balancing of rights and collective bargaining with employers.

This rebalancing of labor and management right of course is nothing more than a new and powerful tool for unions to attempt to get back their vanishing membership.

The second effort in the rebalancing of rights is between the unions and their right to strike and workers, all workers, union or nonunion, and their right as a worker not to strike. That is guaranteed, too, by the NLRA.

□ 1220

Here, in this bill, the right not to strike is trivialized by a new employment preference, the granting of the right to returning union workers after a strike to bump nonstrikers and crossovers from their jobs. They might be called scabs by some of my colleagues on the other side of the aisle. And how is this done? Again, by creating an unfair labor practice, just making it illegal for an employer to fail to recognize the seniority of the returning striker being sufficient to oust a nonstriker, or crossover employee, from their job.

Current law, by the way, states that employers can't give any employment preferences to nonstrikers or crossovers, such as super seniority, better pay than offered to the strikers, vacation benefits, and the like. And current law states that employers must give employment preferences to returning strikers after the strike is ended, in the form of job reinstatements for job vacancies, both for present and future vacancies. But courts have specifically held that returning strikers have no right to bump nonstrikers or crossovers out of their jobs.

Why? It is best explained in the Supreme Court case of TWA versus the

Independent Federation of Flight Attendants, a 1989 case.

The Court in that case pointed out that the flight attendant positions occupied by nonstrikers and crossovers were not vacant. Such jobs, the Court advised were therefore not available for reinstatement by returning strikers after the strike had ended.

The Court ended this comment by saying that to do so, to bump nonstrikers or crossovers, "would have the effect of penalizing those who decided not to strike in order to benefit those who did."

The Court added, "We see no reason why those employees who chose not to gamble on the success of the strike should suffer the consequences when the gamble proves unsuccessful."

In other words, if the employer is forced to penalize the nonstriker or crossover by taking away his job and giving it to a striker, what good is the exercise of the right not to strike, which is a guaranteed right of all workers in this land? The delicate balance between the right to strike and the right not to strike would, of course, be destroyed.

That, of course, is exactly the intent of the unions in their rebalancing the rights of the workers.

Mr. Speaker, all of the rights I have referred to—the rights of the union to strike; the right of an employer to counter an economic strike by hiring permanent replacement workers, and, last but not least, the right of all workers—individual workers, whether union or nonunion, to exercise his or her right not to strike, all of these are "last resort" decisions which can bring about a great deal of controversy in the communities of America. But they all play their part in this Nation's collective bargaining process. They function now within a tension of delicate balances worked out over 50 years of management-labor negotiations. They are as valid today as ever.

During the course of the debate on H.R. 5, the striker replacement bill, I have heard a good deal of rhetoric about several recent, highly publicized labor disputes. Among the labor disputes mentioned by proponents of H.R. 5 as justifying the need for a radical rewrite of our labor laws are those involving Eastern Airlines, Greyhound, Pittston, International Paper, the New York Daily News, and Ravenswood Aluminum.

First, I reject the concept that we should legislate by exception. These isolated, albeit widely publicized labor disputes hardly justify drastic alteration of a 53-year national labor policy. Second, I reject the strictly one-sided, antimanagement characterization of these labor disputes without further, more balanced analysis. While I do not claim to know all of the details involving these disputes, I believe it is irresponsible to rely on such examples without a more complete description of the facts. For example, several of these disputes, such as Greyhound and the New York Daily News, involved alleged unfair labor practices which, if proven, would put the strikes outside the scope of the proposed legislation. Other disputes, such as Pittston, never involved the use of permanent replacements.

In the Ravenswood dispute in West Virginia, for example, I am informed that the average W-2 for an hourly employee before the strike was $34,000. By comparison, the average annual income in West Virginia was $19,800. Even so, and even in view of falling aluminum prices and the effects of worldwide economic competition, the company's final offer in the collective-bargaining negotiations prior to the strike would have increased hourly employment costs by an additional $10 million over 3 years. The union leadership rejected this offer, without even submitting it to the membership for a vote. Instead, after insisting on last-minute bargaining on economic issues after exhaustive negotiations on other issues, the union demanded increased employment costs of $90 million over 3 years. This left a huge gap between what the union wanted and what the company could afford to give. Mistakenly, the union struck Ravenswood believing that the company would be unable to find replacement workers willing to work for the wages rejected by the striking union. In fact, the opposite is true, despite repeated acts of union violence, including beatings and other physicial assaults, destruction of property, and verbal intimidation, directed at the replacement workers and their families. The union miscalculated. Replacement workers, 80 percent of whom are from the local community, and a number of crossover employees, readily accepted these high-paying jobs with the company.

As in any labor dispute, people sometimes picture the company as a large, wealthy, and impersonal entity and the union as a small, struggling band of individuals. In reality, as demonstrated by labor disputes such as Ravenswood, the opposite is often true. A relatively small employer, struggling for economic survival, is confronted by the superior financial and organizational resources of a large international union and its allies. Today, unions use every resource at their command in labor disputes, including corporate campaigns involving manipulative complaints before Government agencies, such as OSHA, and international organizations, such as the ILO. Economic pressure is exerted through product boycotts and other efforts to pressure customers and financial institutions. Add to this the increasing and deeply disturbing use of union violence in labor disputes, and the deck becomes stacked against any management which attempts to continue operations during a strike.

My purpose is not to get into all of the details of the Ravenswood Aluminum dispute, or any of the other recent labor disputes. The matter currently is pending before the National Labor Relations Board, which is the proper forum for investigations, adjudication, and hopefully, resolution of such disputes. But before we legislate major changes to our labor laws based on this and other individual cases, I want the record to reflect that, as in most labor disputed, there are two sides to every story.

Mr. Speaker, not even Senator Wagner, in the heydays of union power in the thirties or forties, could ever have hoped to have found a Congress which would pass and give to him this one-two knockout punch set forth in H.R. 5. This union effort ought to be defeated.

Mr. CLAY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 5 because I believe that the permanent replacement of striking workers is legally indefensible and morally reprehensible. A policy that gives preferential treatment to management for failing to settle labor disputes at the bargaining table contradicts the principle of fairness, equity, and justice. It is a practice that allows employers to effectively repeal the basic right of workers to engage in meaningful collective bargaining. It is a practice, Mr. Chairman, that has adversely impacted the lives of many individuals and devastated the peaceful environs of too many communities.

H.R. 5 provides that employers may not reward replacement workers while punishing striking workers. It recognizes sweat, toil, and skill as investment in job security equal to the investment of inherited money. This bill leaves intact the ability of management to use exempt employees, including supervisors and foremen, to perform the work of strikers. It leaves intact the ability of management to transfer work to other facilities or to subcontract the work to other employers. It leaves intact the right of employers to lockout bargaining unit employees. It leaves intact the ability of employers to hire temporary replacement workers. Far from distorting the status quo between labor and management, this bill leaves intact a full arsenal of weapons by which management can seek to force its will.

And neither, Mr. Chairman, as some mistakenly contend, does H.R. 5 buffer workers from the legitimate risks that a strike entails. Nothing in this legislation requires an employer to pay striking workers nor in any way alters the eligibility of such workers for any other kind of special assistance.

But, Mr. Chairman, the chief opposition to this bill is lodged in the fact that it boldly confronts the reality of a

condition which gives favoritism to those who exploit the labor of honest, decent workers. We must face this reality. Since 1981 more than 300,000 Americans have been permanently replaced when they exercised their legal right to strike. This uncivilized way of resolving labor problems allows employers to effectively repeal the right of workers to engage in collective bargaining. When striking workers are permanently replaced, their unions are also permanently replaced by new workers who are defenseless, helpless, and disorganized. According to our labor law, it is the right of the worker to choose to join a union. If that right is to be meaningful, then the practice of permanently replacing workers can not be tolerated.

Almost 60 years of industrial history in this country has shown the fallacy of the contention that employers resort to permanent replacements out of economic necessity. Our major trading partners, our most aggressive competitors—Canada, France, Germany, Japan—all expressly prohibit the permanent replacement of strikers. All of the newly restored democracies of Eastern Europe prohibit the permanent replacement of strikers. Surely American workers whose taxes are expected to support these former Communist governments during this economic transition period—deserve no less.

The opponents of this legislation contend that employers should be guaranteed the ability to win a strike. They argue that we should protect the right of an employer to veto the right of a worker's choice to be represented by a union. But our obligation should be to ensure a fair and equitable balance between labor and management. Our obligation should be to protect the right of all Americans to exercise a voice in the determination of their wages and working conditions. That's how the democratic principles of self-determination are truly served.

The bill before us today will have a greater impact on the rights of American workers than any legislation this Congress is likely to consider this session. It will stop the practice of permanently replacing strikers and provide incentives to bargain in good faith. This bill encourages employers to settle labor disputes at the bargaining table rather than in the street. Failure to pass this bill and to protect the right to strike makes a mockery of workers' rights to engage in collective bargaining.

It is time to put an end to the counterproductive and unfair practice of firing those who merely wish to improve their wages and working conditions.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Chairman, while I fully appreciate the right of a worker to strike in order to address grievances that may exist in his or her work setting, I at the same time am concerned that if we eliminate, for all essential purposes the option that employers now have to keep their businesses operational, that we could very well be promulgating legislation that in the end would not only threaten the continued viability of the concern in question but, along with it, the very jobs that the strikers are fighting to preserve. Therefore, I reluctantly feel compelled to rise in opposition to this legislation.

The sponsors of this legislation are well-intentioned and have laudable goals in trying to reduce the number of strikes resulting in the use of replacement workers. Nobody wants to see permanent replacements used in any strike, but it's my fear that if enacted, this legislation will result in more labor stoppages. The ability for an employer to hire permanent replacements has been permitted for over 50 years. To all of a sudden ban the use of permanent replacements during a work stoppage and give striking workers this added negotiating power, I'm afraid will only serve to encourage the greater use of strikes to address perceived grievances. By withholding their labor and making it virtually impossible for an employer to find interim replacements because of the temporary nature of the position to be filled, this legislation could leave the employer with little other than to close down.

This legislation is being considered at the wrong time and for the wrong reasons. Now is not the time to rock our economic boat. We are already having a difficult time keeping our ship of commerce going in the right direction. With today's global economy and increased foreign competition, we would run the very real risk of undercutting our country's competitive position in world markets.

Labor and management are starting to realize the only way to survive the competitive international marketplace is through cooperation and team work. Even the Carter administration rejected the concept before us as being infeasible, citing objections raised by the Commerce Department that the banning of replacement workers would lead to increased labor disputes and inflationary wage increases. Labor unrest has been on a decline since the early eighties and I see no reason why we should jeopardize that trend by passing this legislation at this time.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. Mr. Chairman, it is easy to pay lip service to the small business community. But lip service is not what our Nation's entrepreneurs want or need to survive.

Lip service will not ensure that new jobs are available to young men and women who are just entering the work force.

Lip service will not keep smaller firms from going under in needless and duplicative paperwork and other regulatory requirements.

And lip service will not generate positive, productive relationships between small business owners and their employees.

However, my colleagues, lip service is all small businesses can expect from the supporters of H.R. 5.

Our Nation's 20 million smaller firms want to know how this bill came to be called the Workplace Fairness Act.

There is certainly nothing fair about stripping small employers of their right to keep their doors open when workers walk off the job for more money, or better benefits, or other economic reasons.

There is nothing fair about giving union employees special status under the law that nonunion employees don't enjoy.

In fact, by legislating this unequal treatment, we in Congress will be handing union leaders the organizing tool of their dreams. "Join the union, and if you go on strike, your job will be guaranteed. Don't join, and you can be permanently replaced." This is the message union organizers will be able to deliver to hundreds of thousands of small, nonunion workers.

The impact will be to destroy the good working relationships and high morale currently enjoyed by the vast majority of small business employers and their employees.

The claim that H.R. 5 protects small businesses by exempting nonunion firms is just plain wrong. It is lip service, plain and simple. In reality, the bill has devastating implications for small employers.

Supporters of H.R. 5 have been running ads on local radio stations featuring union employees who have been permanently replaced. "My company wanted to cut my health-care benefits," a female employee declares in one of these ads. "I had to take a stand. But when I went on strike to protect the benefits my family needs, I was permanently replaced."

The point of the ad, I suppose, is that H.R. 5 will protect workers and their families from unreasonable, uncaring business tycoons who want to convert dollars spent on employee health-care benefits into cheap corporate profits. But you and I know that, while this may make great advertising copy, it doesn't realistically portray the problems employers and employees are having in finding affordable health care coverage.

This ad is just one aspect of an emotionally charged and misleading campaign to garner support for a bill that big labor bosses are dying to see become law.

It's no secret that the cost of health insurance is skyrocketing. And smaller firms are by far the hardest hit in the health-care crunch. Many employers have seen their health care costs double or triple in recent years. Still other small companies have been rejected outright for renewal of their policies.

These small employers want very much to provide coverage for their employees. In fact, they rely on that very

same coverage to protect themselves and their families. Faced with huge premium increases in recent years, many small employers have no choice but to ask employees to share some portion of the increased cost of coverage.

If H.R. 5 becomes, law, employees of a small union firm that asks its employees to pay even some small portion of those health insurance premiums would not be able to permanently replace workers who chose to strike rather than assume any share of the increased cost of the insurance. In this situation, an employer would have no choice but to give in to employee demands, no matter how unreasonable they might be.

A small business cannot keep its doors open without workers. There is no cadre of midlevel managers who can step in to replace the striking workers until the dispute can be settled. Temporary workers are expensive and difficult to find. They require training, are less efficient, and are injured more frequently than permanent employees. It would only be a matter of days before a small firm would have to close its doors—perhaps forever. I ask you: What is fair about that?

My colleagues, do not be misled by claims that H.R. 5 won't affect small business.

Do not be duped into handing union bosses the organizing tool of their dreams under the guise of small-business protection.

And do not settle for lip service when it comes to the fate of our Nation's smaller firms. Vote against H.R. 5.

Remember, it is easy to say that you're for small business. But it is how you vote that really counts.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Chairman, some of those who oppose H.R. 5 say that it will impede economic growth. They could not be more wrong. Economic growth occurs when it is inclusive, when everyone can share in it.

Without this change in the law, there is no effective right to strike. Without an effective right to strike, there is no effective right to organize. Without the effective right to organize, there will be no inclusion, no incentive, for all of us to become involved in reigniting the engines of economic growth.

For those who say that the country will not grow with H.R. 5, I say we will not grow without it.

Mr. Chairman, I urge Members to cast a vote today not only for fairness; cast a vote for inclusive economic growth. Cast your vote for H.R. 5.

□ 1230

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, the bill that we are about to vote on is a bill about fairness in the workplace, and this is a fairness which the majority of the American people assume is already in existence. This bill is about the right to strike, and most Americans assume that workers already have the right to strike. But common sense tells us that you do not have the right to strike if the labor law says you cannot be fired if you go out on strike on the one hand but on the other hand, the Supreme Court interpretation says you cannot be fired but you can be permanently replaced.

Common sense tells us that to be permanently replaced is the same as being fired. When one is permanently replaced, one does not have a paycheck. When you are fired, you do not have a paycheck. They are both the same. We must all vote for this bill to end what is a gross injustice.

Americans of all walks of life do not want to have our workers treated as the workers are treated in South Africa. The Daily News strike in New York, one of the most vicious attempts by management to work the permanent replacement segment of law to break a union, all of the consumers of the city of New York, all of the people who read the Daily News rose up and said, we do not think this is fair. We will not buy the Daily News.

The Daily News lost advertisers. Management was brought to its knees and had to sell the paper at a loss in order to recoup. They did not bust the union.

All Americans, when they understand that this is about fairness and justice, will come down on the side of the workers. We want our workers to be treated fairly. We do not want permanent replacements. We do not want them to be fired.

Fairness means that workers in America must have a clear right to strike.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii, [Mrs. MINK].

Mrs. MINK. Mr. Chairman, I appreciate very much the opportunity to address the House on this most important issue.

Mr. Chairman, I rise today to ask this House to vote for the reinstatement of the principle of balance and equity in labor-management relations. In recent years, the practice of permanently replacing strikers, which is nothing less than being fired from your job, has become common practice to punish workers who only seek to exercise their rights under collective bargaining and as such it has worked to poison the atmosphere in the workplace.

This hostile arena comes at a time when it is critical that labor-management relations be a positive influence to achieve the level of productivity and competitiveness in the American economy we need to meet our international goals.

During the 1980's the number of unfair labor practice charges doubled. The number of workers who had to go to court to win reinstatement in their jobs after being fired grew into the thousands in the seventies and eighties. The current climate which seeks retribution against workers who exercise their rights is corrosive and requires the enactment of H.R. 5.

Unions have had to stand the line because their contracts have been hit by reductions in health and pension benefits. Almost four out of five strikes in the eighties were to preserve the health benefits of workers and retirees. Striking and then being fired from their jobs is an egregious way to punish families all across the country. We need H.R. 5 to protect working people from this harassment.

Firing striking workers is a violation of the basic principle established in the National Labor Relations Act which granted workers not only the right to join unions, but when they did so, to allow them to bargain collectively with their employers. No other Western country except South Africa allows strikers to be fired and to damage the ability of management and labor to find common ground for agreement. Our biggest industrial competitors, West Germany and Japan, have these protections for their workers, and they have towered in their economic achievements.

The threat of loss of your job, if you stepped out of line, and misspoke, or seemed contentious, was the case before the enactment of the Wagner Act. It was the sense of this Nation that we needed to protect the worker from such untoward exposure to loss of his job if he spoke out against intolerable working conditions or unfairness. We gave the workers the cover they needed by the passage of the National Labor Relations Act. After this law passed, workers could speak out without fear of loss of their jobs.

Until recently that was the spirit in which labor-management relations were exercised. And the country prospered.

We need to restore this relationship to one which cannot be eroded by the fear of job loss. The right to strike is the very foundation of the workers' right.

I urge this House to overwhelmingly reaffirm this right today.

Mr. FORD of Michigan. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time is now under the control of the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Arkansas [Mr. HAMMERSCHMIDT]. Each is recognized for 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I yield myself 6 minutes.

For over 200 years of the industrial revolution, prior to enactment of the Wagner Act, workers were at risk. They could be hired and summarily fired without rights, without standing, and often were.

The Wagner Act, which was labor's bill of rights, established the right of a worker to organize and to bargain collectively with his or her employer and to withhold his or her services from that employer in time of dispute.

In the 1938 famous Mackay decision, there was a little bit of a crack opened in that right to strike and to come back to your job after one had settled the dispute with the employer. The court held that workers could be permanently replaced and not called back to work, even if the strike were settled.

For four decades afterward, that little bit of an opening for employers tilted the balance back 200 years and was not used until the 1980's. Then came a decade of despair for the labor movement, a decade in which there was an avalanche, literally, of actions by employers to replace their workers for simply withholding their services in time of labor disputes, going on strike, faced with the prospect of never being able to come back to work.

The Subcommittee on Aviation and the full Committee on Public Works and Transportation has jurisdiction over a little part of this issue under the Railway Labor Act in its coverage of airline employees. The subcommittee held a full day and many hours of hearings on this issue.

What emerged from that hearing was a clear pattern of action of increasing intensity, action against striking workers in the airline industry.

We had Lorenzo I at Continental in 1985, when permanent replacements were hired for striking pilots. Over 2,000 of them never saw their jobs again. Over 5,000 machinists and 1,200 flight attendants were permanently replaced.

Alaska Airlines in 1985, permanent replacements hired for machinists. United Airlines in 1985, 570 permanent replacement pilots hired.

□ 1240

Although, they refused to cross picket lines.

TWA in 1986, 2,350 flight attendants permanently replaced, and then we had Lorenzo II in 1989, Eastern Air Lines; 1,800 flight attendants, 4,500 machinists, 1,100 pilots, 7,400 in all; from one of the most prolonged, protracted, and bitter, painful labor disputes in the airline industry.

Clearly, the balance had been tilted against workers with this persistent action of employers to deny workers the right, in effect, to withhold their services in time of dispute when that was the ultimate weapon and all else failed.

This is not to say that workers undertake a strike lightly or easily. I grew up in a steelworker family in the iron-mining country of northern Minnesota. I lived through strikes as a young kid growing up not knowing whether we were going to have a meal the next day, because we did not have striker funds. We did not have food stamps. If you did not save a little bit, you had soup, and when the soup ran out, the soupbone went dry, well, that was it. You did without. Nobody undertook a strike lightly, but when it was the only way to bring management to the table and to negotiate over basic rights for health benefits, for vacation, for decent hours of work, for protections on the job, for safety that we had to negotiate in those days, and we now have an Occupational Safety and Health Act, and a Mine Safety and Health Act to protect the workers, and when you could not negotiate those, the only way was to go out on strike.

Workers lost money. Families did without things. A strike was not something to be lightly undertaken. It was undertaken with pain on both sides.

This legislation simply restores the balance and the equity intended by the Wagner Act to give workers the right to negotiate and to strike, to sit as equals at the bargaining table, and not have a bargaining table that is tilted on one end toward management and so high on the other that they cannot see the working person.

I urge support of this legislation.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, we are considering one of the most important labor bills to come before this body. In other cases, such as bills involving labor protection provisions [LLP's] and flight attendant duty time, I, and many other Members on this side of the aisle, have been supportive of labor's position. Our commitment to the working people of America is clear.

However, this bill presents a different situation. While our commitment remains the same, our approach is to maintain the status quo, because enactment of this legislation will ultimately be harmful to the working man and woman of this country.

We do not believe that the way to improve the situation is to upset the current balance between management and labor. In our view, the system that has been in place since the Supreme Court's Mackay decision of 1938 is a good one. It has benefitted all sides.

Since 1938, the American economy has grown dramatically. This has been good for all, both employers and employees. In short, our standard of living has greatly improved since 1938. Indeed, our economy is the envy of the world.

If the Mackay decision had been as bad as proponents of this legislation say, we would not have seen such widespread benefits from our economic prosperity. And it is simply not true that the use of the Mackay doctrine is something new. In fact, testimony at our Aviation Subcommittee's hearing demonstrated that the doctrine was used before 1980 much more often.

So while it is clear that the Mackay decision has not been detrimental to the American worker, upsetting that doctrine would be.

Changing the law now would overturn the delicate balance under which labor can strike and management can continue operating during the strike. It would mean that employees would have much less incentive to bargain in good faith. They could go out on strike knowing full well that they could get their jobs back at any time, regardless of the length of the strike or what they did during the strike. Management would be unable to attract a meaningful labor force to keep its business going during the strike.

The result of all this will be more strikes, more bankruptcies, more inflation, less labor peace, and a reduction in our international competitiveness. Naturally, this will adversely affect all Americans, including working Americans.

Therefore, Mr. Chairman, I oppose this bill. I oppose it not only on the merits, but also because of the way it is written. For example, I am concerned that the bill in its current form is unfair to nonunion workers.

Another problem with the bill is that it provides protections to strikers even if they engage in violence, secondary boycotts, or other unfair practices. If management were to engage in similar unfair labor practices, it would lose, even under current law, the right to replace strikers.

In closing, let me reemphasize a point I made during our committee's consideration of this bill. That is, replacing strikers is not the same as firing them. The difference is that fired employees have no right to get their jobs back, while replaced strikers have a preferential right to their jobs, as well as the right to continue to accrue seniority. Indeed, in cases where the business survived the strike, most permanently replaced strikers did get their jobs back.

Accordingly, Mr. Chairman, for all these reasons, I urge a no vote on H.R. 5.

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

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON]

Ms. NORTON. Mr. Chairman, as a labor-law professor down the street at Georgetown, I used permanent replacements for more than the narrow rule of law involved. Almost every important principle of labor law and labor rela-

tions is implicated, and some of the most cherished rules of democracy as well.

I would ask Socratically: Is there a right to strike if you can be permanently replaced? Only South Africa says yes. Our allies say permanent replacements are not consistent with the right to strike, and I do not believe that my country wishes to stand with the Republic of South Africa.

There is a symmetry in our labor law. There is the right of workers to withhold their labor and the right of management to keep its business going. That symmetry is not there simply for form. It is there in no small part because the overarching purpose of the National Labor Relations Act is to ensure labor peace, and we have a better chance at labor peace, which keeps our industry going, if each respects the rights of the other and understands the obligations of the other, the employer to keep his business going, workers to withhold their labor, and at some point they then come together, and we achieve the kind of peace that has characterized labor-management cooperation and relations in this country.

Permanent replacements have given us longer strikes and the spread of conflict beyond the parties. Temporary replacements, which we have lived with for more than 50 years, have given us the kind of labor-management relations we are proud of.

Democracy itself is implicated in this bill, for free trade unions and the right to strike are as essential to democracy as freedom of religion, as due process for the accused, and as the first amendment.

Let us stand with American principles today and vote for this bill.

Mr. HAMMERSCHMIDT. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. CLINGER], the ranking member of the Aviation Subcommittee, control the balance of the time for the Committee on Public Works and Transportation on our side.

The CHAIRMAN pro tempore (Mr. PRICE). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to try to dispel a couple of, glaring misrepresentations that have been put forward thus far in this debate.

The first is that the PATCO strike in the early 1980's, and the Reagan administration's handling of that strike, are somehow the mother of all evils that this bill is designed to correct. The second misrepresentation that the proponents of the legislation assert that employers have only recently used the Mackay doctrine at an unprecedented rate to replace workers, and this has happened as a result of, and subsequent to, the PATCO strike.

□ 1250

I think both of these statements are misrepresentations. Let me address the first one; that the handling of the PATCO situation was what led to the situation we have today and the need for this legislation. The first thing that really has to be emphasized again and again, the PATCO strike had nothing, nothing whatsoever to do with striker replacement in the private sector, either under the National Labor Relations Act or under the Railway Labor Act, which the Committee on Public Works and Transportation is most concerned with. The PATCO strike involved the public sector, and under the Federal Service Regulation Act, an act that Government unions have supported, striking against the U.S. Government is illegal and requires the firing of Federal employees who engage in a strike.

What we had here was that these were strikers acting in an illegal fashion. They were fired for violating a Federal law. They were not replaced. They were fired. New employees were hired to replace the fired employees.

And it should be pointed out, finally, that in this instance, President Reagan gave the employees who were on strike every opportunity to return to work before he fired them. I hope we can lay to rest the idea that somehow the PATCO strike and the Reagan administration handling was responsible for leading to this legislation.

Second, it is alleged that there has been an unprecedented rise in resort to the Mackay doctrine of the replacement since the PATCO strike. Recent studies have shown that permanent replacement of strikers is not indeed a recent phenomenon. In over 90 percent of the cases, and there have been 250 involving Mackay replacements, all but 22 of those replacements occurred before the 1980's, before the PATCO strike.

According to the General Accounting Office, Mackay replacements were hired in only 17 percent of all strikes, and more significantly, this only affected about 3 or 4 percent of all strikers in the 1980's.

Mr. Chairman, in conclusion, let me say that the airline industry has been heavily beset in recent months, and indeed in recent years. They have been faced with tremendous increase in fuel costs, threats of terrorism, the Desert Storm situation, the recession. All of these have led to enormous losses in the airline industry, over $4 billion just in the last quarter of last year. We had a number of bankruptcies including Pan Am, Continental, American West, Midway, and others are threatened. Passage of H.R. 5 would accelerate the trend toward concentration in the airline industry, a very fragile industry at this point, and this would lead to less competition and undermine, in my view, the flight options and the fare benefits resulting from air deregulation.

I would strongly urge a no vote on this legislation.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in support of H.R. 5, the Workplace Fairness Act. A bill to restore basic rights to American workers. A means to restore some balance to our labor management relations.

This Nation is proud of its tradition of inspiring men and women to strive for better lives for their families through hard, honest work. We are a nation that honors hard work and the entrepreneurial spirit that have created America's vast wealth.

When I consider this legislation, I cannot ignore my heritage: an Italian working class neighborhood where my mother worked in the sweat shops and munitions plants. We have come a long way to securing basic rights for working people and creating a fair balance of interests in the workplace since the days when my mother slaved behind a sewing machine. That balance is now threatened.

We have lost something as a country in recent years. Hard earned dollars are buying less. Workers have fewer rights and fewer protections. Civility has broken down. The contract that binds workers and management in common enterprise has started to come undone.

The striker replacement bill is about civility, dignity in the workplace, and basic rights. The bargaining process requires that workers, to enhance their bargaining position, have the right to strike. But that is a hollow right if its exercise means the permanent loss of one's livelihood. The worker loses, his or her family loses, the company loses.

Mr. Chairman, this bill simply affirms what my parents fought for. I urge passage of the Workplace Fairness Act.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER], a member of the Committee on Public Works and Transportation.

Mr. BALLENGER. Mr. Chairman, I think it has been truthfully stated on the floor that this bill destroys a worker's right not to strike.

There has been some debate if right to work laws are affected. My home State of North Carolina and 20 other States have passed right to work laws. At the heart of right to work laws is the protection of 88 percent of our workforce from discrimination. The individual is allowed to make the informed decision, based upon merit, whether to join a union.

Unfortunately, the Strike Incentive Act will impose a penalty on nonunion workers. The bill removes protections passed by Congress and the States for hard-working Americans. Under H.R. 5,

workers who choose not to go on strike and continue to work could lose their jobs, any seniority accrued during the strike as well as consideration of any training provided during the strike.

Let me use an example provided by the National Federation of Independent Business [NFIB]:

The employer and the union agree to a contract and the striking workers return to the workplace. The strike forced the business to streamline its operation, making layoffs necessary. H.R. 5 demands that all layoffs will be made among employees who did not join the strike (nonunion workers), unionized workers who did not strike, and employees who returned to the company prior to the end of the labor dispute. Only those workers who toe the union line would be granted their jobs.

In right to work States, following Federal and State law, employees are told the decision to join a union is entirely theirs to make. However, it is silly to then turn to these workers and tell them if they don't join a union, they will lose their jobs anyway. H.R. 5 tells workers that if they agree with a union, their jobs are secure.

Right to work laws should be protected. Members from these States should be fighting to preserve these principles and vote down H.R. 5.

I would also like to mention a study by Dr. James Bennett, a professor of economics at George Mason University. Dr. Bennett published a study entitled: "Private Sector Unions: the Myth of Decline." The study showed that union income not membership was growing rather than shrinking, even when indexed for inflation.

In fact, in 1987, total union receipts came to $11.8 billion. As you may recall unions, represent only 12 percent of the private sector workforce.

H.R. 5, the Strike Incentive Act, will help union bosses get more cash. H.R. 5 will coerce and entice untold numbers of new compulsory dues payers into the union ranks. With this flood of new cash, big labor will be able to increase their attacks on State right to work laws in North Carolina and in other States.

It seems to me that almost $12 billion a year is more than enough money for union bosses to use to push their antibusiness, anti-right-to-work agenda. This bill is just another tool to help big labor achieve their goal.

Join me in opposing this bill.

The CHAIRMAN pro tempore (Mr. PRICE). The gentleman from Minnesota [Mr. OBERSTAR] has 6 minutes remaining, and the gentleman from Pennsylvania [Mr. CLINGER] has 4½ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, sometimes you cannot right a wrong, but we can learn from bitter experience. Sometimes we can make things better for future generations of Americans, our friends, and our neighbors.

Almost 3 years ago today tragedy struck hundreds of families in a small city way up in the Pacific Northwest, 3,000 miles away from this body. In Springfield, OR, my home town, a productive wood products manufacturer was bought out. The new owners, well they just did not like unions. No matter what, the fact that the Nicolai Plant they bought out was the most profitable and productive plant in their whole operation, much more profitable than their nonunion shops in the South; no matter the fact that they had a stable and productive and dedicated work force, with hundreds of years of total experience; no matter that the workers just wanted a fair settlement reflecting their productivity and profitability with the company. The new masters wanted the union out. They set out to break it, and they did.

They broke it because they have the tool for locking people out and then permanently replacing them, taking away their jobs, firing them, against the intent of labor law in this country, despite the distorted Mackay decision of many years ago.

□ 1300

Who won? No one won. The plant never recovered its profitability and productivity and the hundreds of families in the community of Springfield were disrupted. Many older workers never returned to full-time work. Many took lower paid jobs. Many had to return to school and get retrained or go into other employment.

This bill restores a fair and simple balance. Owners have the right to continue to operate during the strike, but not to fire the striking workers. Workers have one tool. They can deprive the owners of their productive labor temporarily in order to get a fair settlement, in order to get their fair share of theAmerican dream. That is what this is about today. It is not about big labor bosses or anything else. For a safe and secure workplace, decent wages, vote aye on the Workplace Fairness Act.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the whole case for H.R. 5 is based on the idea that the use of permanent replacements for strikers has exploded during the 1980's.

The proponents admit that hiring replacements has been sanctioned by 50 years of labor law; but they say it was seldom done before the 1980's.

Because this is a new problem, they argue, we need to adjust the law, but their facts are flat wrong.

There is no evidence—absolutely none—that the use of permanent replacements has become widespread in the 1980's. Nor is there any evidence that they were seldom used in earlier decades.

The GAO—in a report solicited by the sponsors of the bill—concluded that:

In the years surveyed (1985 and 1989) only 3 out of 20 strikes involved the use of permanent replacement.

And in those cases only a small number of workers were actually replaced: 4 percent in 1985, declining to 3 percent in 1989.

That is 3 or 4 percent of workers were replaced under the Mackay doctrine—and many of these were no doubt rehired in strike settlements later. That is hardly a widespread phenomenon.

It is also flatly untrue that replacements were never used before the 1980's.

Although data is somewhat scarce, a survey of all cases before the Labor Board in which the Mackay decision was cited shows that there have been over 251 cases in which permanent replacements were hired. All but 22 of these occurred before 1981.

The bottom line is this: The hiring of permanent replacements is not widespread today and it is nothing new.

The Democrat proponents of this bill are using faulty history to justify overturning a key principle that has been in our labor law for 50 years. And they are doing that in the special interest of an organized minority of workers and in prejudice against the vast, responsible, majority of workers.

That, too, is not new and it is not different.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Chairman, I rise in support of H.R. 5.

President Bush said recently that it was moral and just that we give China most-favored-nation status so that they can send their slave labor-made products into the United States, made by people who have no workers' rights, who have no benefits at all. He has got it backward.

It is moral and just to recognize workers' rights. It is moral and just to allow that they have the right to be able to negotiate and strike if they need for better wages and benefits.

No working man or woman in the United States or anywhere in the world wants a strike, because it is devastating financially and psychologically, but they have got to have better benefits if they want to feed, clothe, and house their families. Industries and communities do not want to strike, but when workers who are the consumers in a community cannot negotiate a contract, then they only have one alternative to go to and they have to strike, and now industry and Government wants to take that right away from them.

Yes, it has been in effect for over 50 years that they could do that, but it was not until the 1980's when the antilabor, antiworker Reagan administration came in and decided they were going to take those rights away from

them. He believed the American way was to take from the poor and give to the rich.

Well, should we recognize slave labor? Should we take away the American workers' rights? That is not the American way, Mr. Chairman. That is not it at all.

How would you like to work for 20 or 30 years in a plant and then cannot negotiate, go out on a strike and then get fired for doing it, just because you wanted to ask for better benefits. That is not the American way, to get fired for doing that. You want to be able to recognize that time, which is thrown out onto the street, and you allow some replacement worker to continue on. You do not get your job back. That has happened in my district, so I know the heartbreak of that.

So I say this is a fairness bill. I think that the House of Representatives should give it its fullest support.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT].

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

Mr. Chairman, I oppose H.R. 5. You know its unfortunate that we're debating a bill that'll never become law. We all know what's going to happen. Congress will pass H.R. 5, or the Senate's bill; the President will veto; and Congress will sustain his veto.

And after all that time—after the shouting is over—will the American worker, or American taxpayer, be better off? Regrettably, the answer is no.

But there is a positive, substantial step we can take. We can begin working anew on labor law reform. Specifically, we can begin to address the decisionmaking process at the National Labor Relations Board [NLRB]. An agency designed in part to ensure employees aren't unfairly treated by employers.

In the past, a decision by the Board could take anywhere from 1 year to 7 years. In fact, in January 1991, the GAO reported that once a case has been forwarded to the Board's headquarters, in 10 percent of those cases it took between 3 and 7 years before reaching a decision.

Members of the Education and Labor Committee recently received a letter from James Stephens, the Chairman of the Board, taking exception to the statements on the Board's case processing problems, made by Mrs. ROUKEMA, in the committee's report on H.R. 5.

While my hat goes off to Mr. Stephens for the reforms that have taken place; I must contend, we still need to review the NLRB to find improvements to the Board's decisionmaking process.

According to Chairman Stephens, as of June, 369 cases were awaiting a Board decision. While this is a marked improvement over the 1,059 case backlog in 1983, it still is far too many. The Board can do better.

For any delay or backlog in resolving labor disputes compounds exponentially the original dispute between labor and management.

But unfortunately Mr. Chairman, H.R. 5 does not even begin to address that problem. If H.R. 5 were enacted, the delays would still continue; the striking workers would not receive a timely resolution to their complaints; the employer would lose considerable sums of money—if not the business entirely—while waiting for a decision.

H.R. 5 throws the scales completely to the side of labor; ignores the rights of business owners; and ignores the need for NLRB reform.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I rise in support of H.R. 5.

For 35 years before I came to Congress, I was a business manager, mostly in charge of manufacturing plants. I can tell you that during those times we had quite a number of strikes of a national union.

I can tell you also in those strikes the presumption was that we were going to keep the company running, that the strikers would come back to work and our job was to sit down with them and see if we could not get things settled. We conducted those strikes, we got through the strikes, some of them were as long as 14 weeks, kept part of the plant running. We kept good feelings between the employees and the management during that time.

I can tell you that system worked in industry for 40 years and it worked broadly. It was only in the eighties that some of these employers got the idea that maybe they could rely on getting replacements for strikers in order to get rid of their unions.

I have had four cases right in my own congressional district during the eighties where an employer who did not like unions got rid of the union. He got rid of them that way.

This was not contemplated in the National Labor Relations Law, whatever you say. That decision needs to be overturned. It is unfair, it is un-American, and it is about time we got it fixed.

Mr. CLINGER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, airline strikes have been cited as a reason for the need to enact this legislation because of abuses that are cited in connection with some of the airline strikes.

□ 1310

But I would just make the point that in almost every instance where there has been an airline strike, the overwhelming majority of the employees who were replaced have either gotten their old jobs back or have been offered their old jobs back.

So to say there has been this massive dislocation, displacement of workers just is not true, at least as it relates to the airline strikes that we have had in recent years.

Finally, I would just say this is going to be a terrible blow to the airline industry, which at this moment in time is probably in its most fragile condition that it has been in its entire history.

I would hate to see a further consolidation in the airline industry, which would clearly result from enactment of this law.

So I would urge again a "no" vote on H.R. 5.

Mr. OBERSTAR. Mr. Chairman, I yield the remaining 1 minute of our time to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act.

As a cosponsor of H.R. 5, I believe that this measure is necessary to restore a fair balance between labor and management when a strike has occurred over economic issues. The frequent use of the practice of hiring permanent replacements for striking workers has given management an unfair advantage over legitimate strikers. Hiring permanent replacements also subverts collective bargaining efforts which have been so effective in promoting a balanced, cooperative relationship between labor and management.

As we head into the 21st century, American workers must be able to compete effectively with the workers of our major trade competitors, and to improve the quality of American industry. Today, all of our primary trade competitors, including Japan and Germany, have laws which prohibit the hiring of permanent replacements for strikers. We all suffer the grave consequences of declining wage standards and decreased productivity when we deny workers the right to strike without fear of losing their jobs. To continue to be competitive in a world market, we must make strides to strengthen the backbone of our economy. H.R. 5 is a positive and necessary action which highlights the value we place on our workers, and the confidence we have in them. Fairness to U.S. workers contributes immeasurably to productivity which is so necessary to the Nation's economic success domestically and internationally.

I urge my colleagues to vote for H.R. 5.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KOLTER].

Mr. KOLTER. Mr. Chairman, I thank the chairman for yielding this time to me, and I rise in strong support of the

working men and women of America and H.R. 5.

Mr. Chairman, I rise today in strong support of the working men and women of America and of H.R. 5, the workplace fairness bill. For too long, the workers of this country have been subjected to threats, intimidation, and even unemployment for exercising their legal right to strike. It is time to end this dark period in labor-management relations by passing this bill.

In the years following the turn of the century, American workers had virtually no protection from unscrupulous employers capable of firing employees suspected of involvement in union organizing activity. If workers voted to strike, company owners could hire permanent replacement workers to take their jobs, bring in Pinkerton guards to surround the factory, and use violent methods to lock rightful workers out of the plant. These industrial robber barons of the past used the absence of labor protection laws to their advantage, while making great profits for themselves and their top executives.

In the years following the Great Depression, Congress and the administration worked together to enact legislation designed to provide America's workers with the opportunity to bargain collectively and exercise the right to strike. Both the National Labor Relations Act and the Railway Labor Act guarantee this right. Section 13 of the National Labor Relations Act states that nothing "* * *shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications of that right." These laws also guarantee that a worker may not be fired for participating in a legal strike. Now I ask you—what is the difference between firing a worker for going on strike and permanently replacing a worker for going on strike? The net result is the same—the striking worker loses his job.

Court decisions in the cases of National Labor Relations Board versus Mackay Radio and Trans World Airlines versus Independent Federation of Flight Attendants have severely restricted the right to strike in this country. Although the Mackay ruling has been on the books for over 50 years, it was not until the 1980's that the use of permanent replacement workers became widespread. The firing of 11,000 air traffic controllers by President Reagan in 1981 began a policy of open warfare against the working class of this country. When corporations witnessed the introlerance of Government in the PATCO dispute, an era of distrust and confrontation began in labor/management relations.

Eastern Airlines is a sad case of what can happen to a healthy company when legitimate employees are fired—I'm sorry, permanently replaced—in favor of replacement workers. Frank Lorenzo, through his policy of terrorizing Eastern's employees, was able to almost singlehandedly destroy a company that was once the crown jewel of the domestic airline industry. He permanently replaced his striking employees and refused to negotiate a new contract with the machinists union. So much for a guaranteed right to strike.

Examples abound of companies using scab labor in the 1980's. International Paper, Continential Airlines, and Greyhound Buslines are among some of the better known cases of companies hiring permanent replacement workers during the past decade.

The critics of H.R. 5 claim that the current labor-management balance is working well because the number of strikes has declined. It's no wonder, would you go on strike if you knew there was a good chance that you would be fired for doing so?

Mr. Chairman, it is time to close this much abused loophole in Federal labor regulations. We can accomplish this with the enactment of the Workplace Fairness Act. I urge my colleagues to join with me in giving the working people of this country a break by voting "yes" on H.R. 5.

I commend my friend from Missouri, BILL CLAY, for sponsoring this fine piece of legislation, and I commend Chairmen ROE, FORD, and DINGELL for their hard work and attention to their committee members' concerns with various aspects of this bill.

The CHAIRMAN pro tempore (Mr. PRICE). The gentleman from Washington [Mr. SWIFT] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. RITTER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I am a Member of Congress who very rarely says that we deal with simple issues here. In fact, I think a majority of the time we deal with very complex things, often very highly technical things. The decisions are difficult, and what the right thing to do is sometimes very difficult to divine.

But to my mind this issue is simple: You are for real collective bargaining, or you are not.

I am a free enterpriser. There are many things wrong with it, but, like democracy itself, the free enterprise system seems to be better than all of the other systems that have been devised so far. But it has always seemed to me that the concept of organized labor is simply the way in which the individual worker can be a part of the free enterprise system.

Workers must have their piece of the pie in this system somehow or other, and one, they can beg for it under a paternalistic system or you can devise the means, as we have in this country and in many, many nations around the world, where workers can take care of themselves by banding together to negotiate with their employers.

When you stop and think about it, what you really have between management and labor is a partnership within the free enterprise system. Each needs the other.

This partnership is a very important framework, but there must be a method by which the partners can resolve differences, and that mechanism is called collective bargaining. That requires a balance between the two.

For 40 years that balance worked in practice. Forty years, I might add, of the greatest prosperity in the history of this country and 40 years that no fair-minded person would suggest was marked primarily by labor strife. Only in the last 10 years, the assertion by some in management of a dormant technique to replace strikers, has that balance been disturbed. And it is unacceptable to permit this im-balance to continue.

That is the reason I suggest that this decision is simple: Should labor share in our economic system as an equal partner or not? That is the question. I would suggest that the answer to that question is self-evident.

Mr. Chairman, this is one of the most important pieces of labor-related legislation that will come before us in this Congress. H.R. 5, the Workplace Fairness Act, will rectify a serious imbalance that currently exists in the collective bargaining process. By prohibiting the permanent replacement of striking workers, H.R. 5 will protect the rights of labor union members to engage in legal strikes.

I would like to commend Chairmen FORD and WILLIAMS of the Education and Labor Committee, Chairmen ROE and OBERSTAR of Public Works, and my chairman, Mr. DINGELL of Energy and Commerce, for the leadership they have shown in bringing this important piece of legislation to the floor. Also, I would like to commend Mr. CLAY, the sponsor of this legislation, and the more than 200 Members who are cosponsors, for their support of workers' rights.

H.R. 5 amends both the National Labor Relations Act and the Railway Labor Act to prohibit the permanent replacement of workers involved in legal economic strikes.

Permanent replacement workers are seldom used in railroad labor-management disputes because the extensive mediation process provided for in the Railway Labor Act is designed to settle disputes without either party resorting to work stoppages. Just because the weapon is seldom used, however, does not reduce its potentially devastating impact on the right to strike.

If employees can be dismissed for exercising their legal right to strike, then that right becomes meaningless. We must ensure that our railroad workers, who provide our Nation with vital transportation services, are free to bargain with their employers under fair and balanced conditions and are able to exercise their legal right to strike if necessary.

The Railway Labor Act also applies to the airline industry, and it is here that the issue of permanent replacement workers becomes more significant. Noteworthy examples are the 1985 Continental and 1989 Eastern Airlines strikes, in which Frank Lorenzo permanently replaced pilots, flight attendants, and machinists who exercised their legal right to strike.

Another sobering aspect of the use of permanent replacement workers occurs

in the union certification process. Currently an employer can simply hire loyal permanent replacements, wait until 12 months have passed and the strikers are no longer allowed to vote in union decertification elections, and apply for such an election. This kind of union-busting tactic must be stopped.

At the hearings held by the various committees earlier this year, a question arose as to what workers are covered under H.R. 5. The Subcommittee on Transportation and Hazardous Materials, which I chair, adopted an amendment that clarifies that the bill's provisions apply only to workers represented by the recognized collective bargaining unit involved in the dispute. Similar amendments were adopted by the Public Works and Education and Labor Committees.

The record developed at our subcommittee's hearing and in the actions of the other two committees of jurisdiction clearly shows the serious imbalance that currently exists in the collective bargaining process.

By protecting the rights of labor union members to strike, and ensuring that permanent replacement workers cannot be used as a union-busting tool, H.R. 5 will restore fairness to the collective bargaining process.

In testimony before the various committees of jurisdiction, the administration's representatives have said that President Bush plans to veto this legislation if it is presented to him in its current form. I ask all of you to join me in voting to approve this important legislation, and send the President a clear message: the working men and women of America, the backbone of our Nation's economy, shall know that, should they choose to engage in legal strike activity, their jobs—their livelihood—will be protected.

I urge my colleagues' support for this important legislation. Congress must act now to restore balance to the collective bargaining process and ensure that America's workers, including the railroad workers who are so essential to our Nation's economy, retain the ability to utilize their legal right to strike without needlessly fearing they will have their jobs ruthlessly taken from them.

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

Mr. RITTER. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, I would like to focus on the well-being of our workers, their jobs, and their communities, and I would like to call the attention of the Members to the realities these days of the competitive economic environment and, frankly, the good news in the ways we as a Nation have responded.

But first let me note that a portion of this bill considered by the Committee on Energy and Commerce, the title amending the Railway Labor Act, is of little practical consequence for the country's major railroads. For economic and contractual reasons as well as regulatory requirements such as engineer licensing, it is just not a practical option for a major railroad to replace any significant portion of its workers.

There has been no replacement of striking workers by a major railroad since the 1960's.

So if H.R. 5 has any real effect within the rail industry, it is going to be on the short-line and regional railroads. These are the entrepreneurs who kept parts of our rail infrastructure alive and kicking by being more adaptive, by being customer-responsive, being more competitive than the major carriers from whom they bought their lines.

These small carriers are the only ones who have any real option to replace strikers in time to affect the outcome of the dispute. And because these small railroads typically function on a thin financial margin, not continuing to operate during a strike could mean the end of the company.

That means the end to the good jobs that they created.

Mr. Chairman, our labor laws provide the right to strike, an inviolable and fundamental right in a democracy. And no one is taking away the right to strike. But the law does not say that all strikes will and must succeed. A strike should always be the action of last resort. But H.R. 5, unamended, brings about a sea change in the labor-management balance. It eliminates hiring replacements in all economic situations, not just unfair labor practice strikes.

Now, today, here, there are mutual incentives not to strike, and lower incidence of strikes is a very positive development over the last 10 years. It is a good sign that the number of strikes are down substantially in the 1980's. Most of it shows that we are learning to work together better as a team fighting not each other but the competition.

Let us stop and ask who loses when there is an abundance of strikes: The workers lose, their families lose, their communities lose. More than anyone else, the American worker, Mr. Chairman, has a vital interest in keeping our industries smoothly functioning, with positive approaches to collective bargaining which encourage cooperation, not confrontation.

We have heard a lot about the United States and South Africa being the only countries not to defend workers from permanent replacement. But what you do not hear is that countries like Japan have basically company unions. Their auto workers are making $50,000 a year. And that Germany prohibits a strike that would grievously hurt a company. And that Germany, Italy, and France all have multiple representation of the same workers from multiple unions.

Cooperation is the name of the game in the countries that are doing well.

□ 1320

Mr. Chairman, in labor disputes today the stakes are higher than ever before. America is engaged in a global competitive struggle, not just for exports, but right here in our home markets with imports, a war where no quarter is given to companies who cannot compete, and that makes it essential to foster what is balanced and successful about our system in producing nonstrike settlements to disputes. We need fewer strikes, not more.

Now, besides disrupting the balance of the collective bargaining system, as has existed over 50 years, and we have heard the statistics, replacement workers have been hired only to the tune of maybe 4 percent out of the total strikers—permanently replaced. H.R. 5 endangers the growing cooperation of labor and management to meet the global competitive challenge. American workers and managers have worked together during the last year to unprecedented levels, and instead of wasting their precious time and energy and creative juices on fighting each other, we are fighting our competitors.

Mr. Chairman, that is what the quality revolution is all about. It is about teamwork. It is about a situation where each and every worker becomes his or her own best manager. That is the essence of the quality revolution where the distinctions between management and labor are blurred, where we and they become us.

We need to put a premium on cooperation, collaboration, and not confrontation. H.R. 5 spurs more strikes. It makes striking easier. That is not the answer for American workers.

The question is: Will we support legislation that makes strikes easier, or will we promote collaboration instead?

I hope that the House will approve the carefully crafted and precise measures in the Goodling amendment, which serves as a compromise. Otherwise, we will be left with the stark alternatives of H.R. 5—and its wipe-out of 50 years of labor-management practice—or no change in the law.

I would urge my colleagues to oppose H.R. 5 and support the Goodling substitute.

Mr. LENT. Mr. Chairman, I rise in opposition to H.R. 5. Whatever modest gloss the proponents of this legislation may attempt to place on it, this legislation proposes to make a fundamental change in the labor laws that have served this Nation well since the days of the New Deal.

Under 50 years of settled case law, the general labor laws have included the possibility of hiring replacement workers as a legitimate management response to a purely economic strike—that is, a strike not responsive to an employer's own unfair labor practices. This is part of the system of carefuly balanced mutual incentives in our Federal labor laws. If we are

to alter those incentives in a fundamental way, there should be a compelling reason for doing so.

All the empirical evidence says there is no such reason. A recent General Accounting Office report confirmed that only about 4 percent of striking workers were actually replaced.

This tells us that under current law, the issue of replacement simply does not enter the picture most of the time. By approving this bill, we would be introducing major uncertainties into the interpretation of our labor laws for no established reason.

As to the railroad aspects of the bill, the economic reality today is that permanent replacement of workers is not a credible option for any major railroad.

If the possibility of hiring replacement workers has any practical meaning in the railroad industry, it is for the small and struggling short-line and regional railroads—the classic "mom and pop" operations that have kept many marginal rail lines in service. These small companies simply cannot survive a stoppage of any significant duration.

So the question presents itself: Do we want to amend the Railway Labor Act with the sole effect of threatening these encouraging entrepreneurs among our smaller railroads? Clearly not. I urge the House not to approve H.R. 5.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. MANTON], a member of the subcommittee.

Mr. MANTON. Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act of 1991. This important legislation would prohibit employers from permanently replacing workers who are legally on strike.

Mr. Chairman, during the past 10 years, the growing use of permanent replacement workers has severely undermined the collective-bargaining process. Permanent replacements rob workers of their basic right to strike and give employers an unfair advantage in labor negotiations.

The collective-bargaining process can only work fairly and efficiently for both sides if neither has an advantage. That is how the process worked for more than 40 years and that is how Congress can make it work again by passing H.R. 5.

Mr. Chairman, the opponents of H.R. 5 contend the bill is unnecessary because existing law prohibits employers from firing striking workers. This protection is of no value to the worker who is permanently replaced. For that worker, the result is the same: no job, no income, and no means of supporting a family.

I urge my colleagues to join with me in voting for H.R. 5.

Mr. RITTER. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN of North Carolina. Mr. Chairman, H.R. 5 has been called, the Workplace Fairness Act by its supporters, who claim it will restore the alleged imbalance between management and labor. This assertion is pure deception. The reality is that it should be designated the "striker's bill" because that is what it will promote. The resulting imbalance in labor law will be a destructive increase in strikes and a long-term threat to jobs and competitiveness.

Since the passage of the National Labor Relations Act, the rights of strikers to return to their jobs has been protected in unfair labor practice strikes where the NLRB has found the company in violation of labor statutes. In fact, current law entitles a worker to reinstatement, often with back pay, if he participates in an unfair labor practice strike, and it's easy to have a strike designated an "unfair labor practice" strike.

However, in economic strikes, where workers demand higher pay, benefits, job security or other considerations, the right of employers to replace striking workers has been upheld by the Supreme Court in NLRB versus Mackay Radio and Telegraph, 1938. That's been the law for over 50 years.

Overturning Mackay would not restore any shortcoming in labor law, but actually supply unions with a federally mandated advantage at the bargaining table. Proponents of H.R. 5 claim that, "Strikes are used by employers to get rid of both their obligation to bargain and the workers who support the union." This is a specious argument. Since 1939, there have been, on the average, only four to five Mackay cases annually; as many as 12 in 1948 and as few as zero in 1957. You can not logically argue that H.R. 5 should be instituted to combat the over use of Mackay replacements in the past years.

H.R. 5 would amount to company funded strikes against the company's and workers' long-term interests. In reality, strikers are very rarely permanently replaced at all. A January 1991 General Accounting Office Report states that in only 17 percent of all strikes were permanent replacements used, and that only 4 percent of striking employees were replaced by Mackay-justified replacements and in all probability most of that 4 percent was reemployed in different jobs.

Just as labor should be guaranteed the right to strike, an employer must have the right to replace striking workers in economic strikes. No business should be stopped by law from keeping its doors open. Currently, the effect of the Mackay decision is for strikes to be a last resort encouraging negotiated settlements. H.R. 5 removes any economic risk in striking, therefore eliminating any incentive for labor to compromise through negotiating.

It is my belief that the proposed legislation would vastly shift the balance of power in favor of union leaders to an unhealthy degree. The striker's bill will adversely affect our economy and erode our ability to compete. These economic considerations, as well as fairness to compel me to oppose H.R. 5.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I speak in strong support of H.R. 5. This important legislation will prohibit the hiring of permanent replacements for striking workers. It will ensure a level playing field in labor relations.

During the last decade, there has been an increasing tendency towards the hiring of permanent strikebreakers during labor disputes. This union-busting activity has resulted in a major imbalance in labor-management relations. Lifelong employees may find themselves out of a job merely because they have exercised their right to strike.

We are all too familiar with the tragedies of Eastern and Continental Airlines. In those cases, Frank Lorenzo used the bankruptcy and labor laws to destroy the careers of many hard working airline employees. Wages were cut, and medical, pension, and other benefits were eliminated. And when the employees tried to exercise their right to strike in protest, Lorenzo hired permanent replacement workers. In the end, Eastern disappeared and the workers—and passengers—suffered, but Lorenzo made a quick exit from the airline business.

Unfortunately, the United States is almost alone in the industrialized world in allowing the use of permanent replacement workers. A recent survey concerning the use of permanent replacement workers in a number of Western industrial democracies found that, with the exception of Great Britain and parts of Canada, none of the countries surveyed allowed employers to hire permanent replacements during strikes.

This is particularly ironic because all Americans take great joy in the liberation of Eastern Europe from Communist control. We should not forget that this liberation started with the brave workers of Solidarity in Poland, who used the strike weapon with great effectiveness. Just as we all oppose union-busting in Eastern Europe, so must we oppose it here.

The legislation before us restores the balance in the collective bargaining relationship and is fair to both labor and management. I urge its support.

□ 1330

Mr. RITTER. Mr. Chairman, I reserve the balance of my time.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL], chairman of the full committee.

Mr. DINGELL. Mr. Chairman, I thank my dear friend and distinguished colleague, the gentleman from Wash-

ington [Mr. SWIFT], the chairman of the subcommittee, who has processed this matter with such confidence.

Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act. I want to commend the chairman of the Subcommittee, Mr. SWIFT, for guiding this legislation through our committee, where it was approved by a strong vote.

I also want to recognize the leadership shown on this issue by my good friend and chairman of the Committee on Education and Labor, Mr. FORD, by the chairman of the Labor-Management Relations Subcommittee, Mr. WILLIAMS, and by Chairmen ROE and OBERSTAR on the Public Works Committee.

H.R. 5 is a critically important bill that deserves support from every Member who believes in the right of workers to organize, to bargain collectively, and—when necessary—to strike. Increasingly during the last decade, corporate managers have grown more aggressive in their use of permanent replacements as a tool for union-busting. This trend must be halted and reversed.

I find it troubling and ironic that more than 50 years after the passage of the Wagner Act, there still exist within the ranks of American business those retrograde managers who would deny workers the freedom to exercise their most basic right—the right to withhold their services in pursuit of fair collective bargaining agreements.

For me, there is a element of deja vu in this debate, since I can still recall the time, as a child, when my own father was fired from his job for union organizing activities. Fortunately, we have reached the point where the right of workers to organize is protected by law. But that right means little if workers cannot also exercise freely their concomitant right to strike.

This legislation would have been unnecessary if during the last decade a new breed of management had not decided to declare war on the collective bargaining process. It is their behavior that has revealed the inequities of current law in this area. The striker replacement bill will correct those inequities.

I urge my colleagues to oppose the Goodling substitute, which would gut the protections of this bill, and to give H.R. 5 their full and wholehearted support.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I was listening to the discussions, and I want to make several points.

First of all, workers do not strike frivolously. There has to be a good reason for a group of employees to be dissatisfied. Usually the reasons center really around life-saving issues like health care, pensions, and worker safety.

So the question really is this: We all know what happens in cases like this, but what happens to a 50-year-old male who has worked for a company for 30 years and decides, along with his colleagues, that that company's safety conditions are very irresponsible? Should that person who has given his youth to a company not have the opportunity to come back to the company once those situations are corrected? This happens usually when a worker is at the end of the line in trying to negotiate safety conditions.

So, Mr. Chairman, I am very concerned about the real workers and their lives, and I certainly support wholeheartedly H.R. 5.

Mr. SWIFT. Mr. Chairman, I yield myself 30 second just to make this comment:

I heard, I believe, drifting around the room here a little while ago the statement that no economic penalty occurs during a strike to the workers, and I think that comes under the heading of somebody who says, "It's not what you don't know that hurts you, it's what you know that ain't so."

Anybody who has tried to raise a family, pay the mortgage, and put groceries on the table without an income knows there is an economic penalty for a strike, one that this bill does not change. This bill simply says that while you are assuming that economic penalty, somebody cannot go out and give your job away.

With that, Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, if Members live through a bitter labor dispute like the one I am living through now in my district, they know the importance of this bill. Regardless of the position we take on the issue of management and labor, it is time to pass a permanent replacement workers bill and say that you cannot have permanent replacement workers.

There are two quick reasons for that. First of all, it is not good for the collective bargaining process to have permanent replacement workers. After you work through a long list of contentious issues, then you come to one that is sometimes insurmountable. What do you do with the replacement workers that were hired? That issue has got to be settled, and it can be settled by this legislation.

Second, I would argue that for business the hiring of permanent replacement workers is a short-term gain and a long-term loss. How many people here think that Eastern Airlines is now any better off? How many people here are riding Greyhound Bus Lines nowadays? How many people have seen other companies go down because of replacement workers?

Finally, Mr. Chairman, I point out that the law provides a right to strike, but the courts have said they can be permanently replaced. It is time to reconcile these two differences.

Mr. SWIFT. Mr. Chairman, I would inquire as to the respective times remaining.

The CHAIRMAN pro tempore (Mr. PRICE). The Chair will state that each side has 5½ minutes remaining.

Mr. RITTER. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, there seems to be some misunderstanding about the PATCO strike. I would just like to point out for the record that that strike was an illegal strike. That was the air traffic controllers' strike. That was not a legal strike. That strike should not be used as ammunition on behalf of H.R. 5. It is in the Federal law that Federal employees do not have the right to strike.

Ms. OAKAR. Mr. Chairman, will the gentleman yield on that point?

Mr. RITTER. I will not yield on my time. If the gentlewoman wants to take some time on her side, that is fine. We are short on time, and we are just waiting for other speakers to get to the floor.

I just wanted, Mr. Chairman, to clear up that misunderstanding. The right to strike is not what is at issue here, but it is being demagoged by some on the other side that by not voting for H.R. 5 we are removing the right to strike. The right to strike remains inviolable.

Here are some protections that underpin the right to strike:

First, a near absolute prohibition of injunctions against legal strikes, even where the health and safety of a community is being threatened. I can tell the Members that this is not the way it is in some of our European competitor nations.

Here are the other protections: A protection against disciplinary action by the employer for engaging in a legal strike; protection against being fired by an employer for engaging in a legal strike, including the striker's retention of employee status even where replacements have been hired; the frequent availability of public benefits, including unemployment insurance, to strikers; an immediate right to reinstatement where the employer has not hired Mackay replacements and that is in 83 percent of all strike; and in those few instances where Mackay replacements are hired, a continuing right to reinstatement as soon as a job opening occurs.

And we see that happening in plenty of places around the country.

Then there is a right to reinstatement even where replacement have been hired if the employer has committed an unfair labor practice which caused or prolonged the strike.

Here are other rights: There are substantial restrictions on the employer's ability to hire replacements; there is a continuing obligation on the part of the employer to bargain in good faith

with the union even if replacements have been hired; and there is the right to vote in any election on continuing union representation held within a year after the commencement of the strike.

So this whole issue about somehow doing away with the right to strike if we do not pass H.R. 5 really is a red herring.

Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. ZELIFF], who has been the owner of three businesses over a period of 15 years.

Mr. ZELIFF. Mr. Chairman, I am from New Hampshire, and we have three small businesses. We have them currently, and we have met payroll for the last 15 years. One is a country inn, one is a small restaurant, and one is a gas station and convenience store. We have 52 employees, and I can say frankly that I have to go in on a Saturday night when the dishwasher left and do dishes myself, so I know what it is all about.

We have a chef, we have key individuals. We just cannot call out and bring people up to replace these individuals. Even the amendment process of 8 weeks would be a disaster for our businesses.

Small business in general is not like the big business that we may read about. We are talking about moms and pops. We are talking about rural areas. This bill, H.R. 5, would be an absolute disaster to the ability of a small business to be successful.

□ 1340

Take a look at any one of those roles.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield for a question.

Mr. ZELIFF. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, does the gentleman have a union at any one of these three businesses?

Mr. ZELIFF. Do I have a union representing me at any one of those three businesses? No, I do not.

Mr. FORD of Michigan. Mr. Chairman, then this bill does not apply to the businesses of the gentleman from New Hampshire.

Mr. ZELIFF. Mr. Chairman, the gentleman is incorrect. I have been a past president of the New Hampshire Hospitality Association, I have been involved with the National Restaurant Association, and I have been a past president of the New Hampshire Travel Council. I am speaking now as a Member of Congress on a much broader point of view.

Mr. Chairman, I understand where the gentleman from Michigan [Mr. FORD] is coming from, but it does not negate what I have been saying.

Mr. Chairman, what I am saying is as a representative of small business, this would be a disaster for anybody that has a small business, and their ability to run their business successfully.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART], a member of the committee.

Mr. ECKART. Mr. Chairman, today I rise to express my strong support for H.R. 5, the Workplace Fairness Act. In my district of northeastern Ohio, I have many constitutents who have been permanently replaced. Their stories cry out for justice and for equity.

I have heard from far too many constituents who no longer have jobs to believe that the use of permanent replacements is an anomaly. It's not an anomaly, it's an unfair weapon being used to break the spirit of hardworking everyday Americans.

I would like to relate the story of one such American. It involves a women in Chardon, OH, who is 56 years old, single, and living alone. The company she worked for hired permanent replacement workers. For some time, she lived on her life savings. Then she had no income. Eventually her telephone, electricity, and heat were turned off. She was even notified that she was in danger of losing her home. She could not afford to feed herself and was receiving food from a nearby food kitchen; however, as a diabetic she needed to follow a careful diet which was not provided by the kitchen.

Subsequently, she blacked out, striking the floor with her head hard enough to put her in a coma, where she lay for 3 days before a neighbor discovered her. She was taken to one hospital and then airlifted to another where she remained 18 days in intensive care.

Here is the real life example of a worker affected by the practice of employers hiring permanent replacement strikers. She has lost her savings, her health, and is in the process of losing her home. The stress of not having an income and not having a job have all contributed to her economic and physical deterioration, and the result for America is one less productive citizen.

Opponents of this legislation claim that there is a difference under current law between permanently replacing a striking worker and firing a worker. But if I may interject the words of an old Supreme Court Justice, "if it looks like a duck, walks like a duck, and sounds like a duck, it must be a duck."

Well Mr. Chairman, permanently replacing a striking worker quacks like firing a worker. Like the woman I described previously, the end result is the same, and in her particular situation, life threatening.

This is a fairness issue. As a worker not receiving an income the difference is merely semantical when it comes to deciphering whether you are without an income because you were fired or permanently replaced. It is disingenuous to argue that there is a difference.

I ask my colleagues to look beyond quacking semantics and vote for what is right and what is fair. Let's put a stop to this outrage to our democratic society and stand up for the average American by passing H.R. 5.

Mr. SWIFT. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, the Strikers Fairness Replacement Act is one of the most crucial issues that will affect the lives of almost all American employees as we enter the next century.

Since 1935, the National Labor Relations Act has protected the right of workers to join unions and engage in collective bargaining. One of the most important protections of the act is the prohibition of firing workers for exercising their right to join or help organize a union.

Ironically, only during a strike is it legal to replace employees for supporting union activity.

Mr. Chairman, it is crucial that when workers go on strike to gain improved working conditions that they are not faced with the threat of being replaced.

Permanently replacing workers who strike was deemed lawful by the U.S. Supreme Court 53 years ago in the Mackay Radio case.

Indeed in the past years some employers have not hesitated to effectively fire many striking workers, and that is not fair. This is unfortunate because now is the time to ensure that labor and management try and work together if we want to remain competitive in the global market.

Moreover, the effective right of workers to withhold their labor as leverage during negotiations is an essential element of our bargaining system. As workers have felt increasingly unable to strike, faith in collective bargaining has been seriously undermined.

Yet, the Strikers Fairness Replacement Act can help to restore that faith in the system. It will reverse the Mackay Radio case by prohibiting the hiring of permanent replacements during a labor dispute and prohibit discrimination against striking workers returning to their jobs once the labor dispute is over.

Mr. Chairman, I support this legislation wholeheartedly because it provides a clear statement in the law that workers will not be permanently replaced during a strike and American workers deserve that support.

I cannot emphasize enough the importance of ensuring that when workers go on strike to gain improved working conditions that they are not faced with the threat of being replaced.

The right to strike is a part of our democratic heritage. Indeed working people have earned the right to have a voice in the determination of their working conditions.

Mr. SWIFT. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I rise in opposition to H.R. 5, the striker replacement ban.

In opposing this bill, I am not opposing labor unions or the rights of union members. Unions have contributed much to our Nation. Without unions, the American workplace would be, in many respects, more dangerous, less rewarding, and even less humane.

In part because of union representation, employers and employees have reached a delicate negotiating balance. Drastic changes such as those proposed by this bill would shatter that balance and give an unfair advantage to unionized employees.

We do not need to tinker with a system that is already fair.

In addition to its effect on overall labor-management relations, this bill would also have a devastating impact on rural health care.

In conjunction with the recent Supreme Court decision in American Hospital Association versus NLRB, which found that eight separate subgroups of hospital employees could form eight separate unions, H.R. 5 would drive up costs and limit access to service.

If any of the eight unions were to strike, an entire hospital would be shut down. In rural areas, there is no pool of skilled workers to come in and temporarily replace striking workers in an attempt to keep the hospital running.

Most rural citizens do not have the luxury of simply going to another hospital. They cannot afford even a temporary closing of a local hospital.

What if, to avoid that problem, hospital administrators give in to excessive labor demands? No one can doubt that increased costs would result and that these costs would be passed on to patients who are already seeing their health care bills skyrocket.

Even if you can overlook the fact that H.R. 5 allows workers to strike for economic reasons without fear of losing their jobs, remember that this bill will limit health services in areas that are already badly underserved.

I urge my colleagues to vote no on final passage of the strike breeder bill.

Mr. SWIFT. Mr. Chairman, I yield 1½ minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, today I rise to express my strong support for the Workplace Fairness Act.

The National Labor Relations Act was enacted to bring a balance to the collective-bargaining process so that both labor and management could work out their differences. Unfortunately, over the years, this balance has eroded and is now tilted in favor of management.

Under the law, when labor and management meet at the bargaining table and negotiations reach a standstill, employees have the right to strike and employers have the right to hire replacement workers. Mr. Chairman, I have never met a worker who wants to strike. Strikes are called out of desperation—they are a last resort. When workers strike, they lose their paycheck, their families suffer.

Employers have always had the right to hire replacement workers to protect and continue their business operations. However, over the last decade, more and more employers have opted to hire permanent replacement workers, thereby bypassing the collective-bargaining process and, more importantly, throwing experienced striking workers into unemployment lines.

If employers can simply hire permanent replacement workers, there is no incentive to negotiate in good faith. Employees then become afraid to exercise their right to strike in order to achieve better working conditions, wages, and benefits. This is not what Congress intended.

The Workplace Fairness Act simply prohibits employers from hiring permanent replacement workers during a strike. They may continue the long-standing practice of hiring temporary workers, but they would still be required to continue negotiations with striking employees. In other words, this legislation protects the collective-bargaining process.

Additionally, this legislation does not affect nonunion businesses. Language has been included to ensure that only union shops which are properly represented would be covered under this act.

Mr. Chairman, it is time for this Congress to stand up for the American worker. This legislation reaffirms Congress' long-standing position that workers have a right to strike without fear of being fired. Workers deserve nothing less. I urge my colleagues to support America's working families by passing H.R. 5.

Mr. RITTER. Mr. Chairman, I yield our closing minute to the distinguished gentleman from Louisiana [Mr. TAUZIN], a member of the subcommittee and the full committee dealing with this issue.

Mr. TAUZIN. Mr. Chairman, if we were to decide this issue on anecdotal hard case evidence, we could make some bad decisions today. However, we should decide this issue on the basis of what is good national policy.

A National Labor Relations Act that has been in place for many years, designed to promote balance in the discussion between management and labor issues, designed to encourage collective bargaining and discourage strikes, is working. It is working. There are fewer strikes in America, big, long-term strikes, in the last decade, than there were in the previous decade. Something is working.

Is there a shift in the balance? Yes. As labor surpluses develop, management gets a little leverage in the negotiations. As labor shortages develop in the marketplace, labor gets an additional leverage in the marketplace.

Mr. Chairman, if we have had problems, it is only in that cyclical evidence of labor shortages and labor surpluses. The good news for labor is that the NLRA will work and continue to work to their benefit as labor shortages begin to develop in America, and all indications are that labor shortages will be upon us as we turn this century.

Mr. Chairman, the act works. There are fewer strikes today. Let us continue to keep a good act working for the sake of collective bargaining.

□ 1350

Mr. SWIFT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, we have heard that if this bill passes, chaos will result. Chaos will result if we restore a practice that pertained for 40 years in this country, 40 years, I repeat, that were a period of unprecedented prosperity, 40 years that were not a time of particular labor unrest.

There will be no chaos if this bill passes. If this bill passes, there will be again balance for those Americans who do this Nation's work.

I urge my colleagues to vote for this bill.

The CHAIRMAN pro tempore (Mr. PRICE). The time is now under the control of the gentleman from Michigan [Mr. FORD], who has 15 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING], who also has 15 minutes remaining.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I have a prepared statement which puts forth in very passionate terms my support for this bill, but I would like to deal with a couple of the issues that I have heard the opponents of this legislation raise.

The first one is that somehow settled labor law from 1938 is now being changed, thereby taking a balanced relationship created through the National Labor Relations Act and weighting it heavily on the side of labor from the present balance that the law now has.

I think that comes from a fundamental ignorance of labor law and labor history. In 1938, when the Mackay decision came out, saying that employers could replace economic strikers, the law had absolutely no provision for union unfair labor practices. There was absolutely no prohibition against a closed shop. Secondary boycotts were allowed. Secondary strikes were allowed. Hot cargo agreements allowing agreements to prohibit the working on a product from an employer who was under strike, all of those were allowed.

When in 1947 the Congress at that time in its wisdom chose to override President Truman's veto and pass Taft-Hartley, we had a whole series of changes in that law. Secondary boycotts prohibited. Hot cargo agreements prohibited. A series of unfair union labor practices set forth in the law, a variety of restrictions. No ground swell occurred at that time to change the Mackay case because employers were

not going through the tactic, the device, the ultimate sanction of permanently replacing striking workers. They were not making the substantial erosion on the right to strike, in the workers' right to strike.

For the gentleman from Pennsylvania [Mr. RITTER], who controlled the time earlier to say nothing in our opposition to H.R. 5 diminishes our continued support for the legality of the right to strike becomes hollow words when in fact the ultimate sanction, the ability to fire strikers by permanently replacing them erodes all of the statutory protection of the right to strike and against discrimination.

It truly becomes, the right to strike has become the right to quit. That is not what we intended in the Wagner Act. That is not what a majority of Members in this House wanted to continue. That is why H.R. 5 is so desperately needed.

Mr. Chairman, I rise in strong and proud support of H.R. 5, the Workplace Fairness Act.

If ever there were a piece of legislation whose time has come, this is it. In fact, as I review the sorry history of the past decade, I can only conclude that this legislation is long overdue.

I have watched with growing dismay as American workers have agreed to major givebacks of hard-won wages and benefits, on the understanding that they would share in the turn-around when their companies' profitability was restored. Instead, when the time has come, they have been confronted with ultimatums. Take it or leave it, because we know that if you choose to strike, we can permanently replace you.

Clearly, an increasing number of employers view collective bargaining not as a means of negotiating wages and working conditions, but rather as a means of recruiting a younger, lower paid new work force—comprised, they doubtless hope, of workers less likely to join a union.

Leadership at the national level could have signaled to American employers that their interest, as well as the Nation's lies with retaining a loyal and experienced work force. Instead, Ronald Reagan kicked off the 1980's by firing the air traffic controllers. Granted, theirs was an unlawful strike, but I don't think for 1 second that that was the sole basis for President Reagan's action. He wanted to send a strong and sure signal to American workers that the decision to strike might cost them their jobs, and to American employers that they could in effect fire striking workers, just as he did, with impunity.

As a result, what has for over 50 years been a rarely exercised loophole in the law, has now wreaked havoc on the lives and well-being of hundreds of thousands of American workers and the communities in which they live.

We are faced with a legal absurdity: Under the National Labor Relations Act, employers cannot discriminate against employees exercising their legal right to engage in an economic strike, yet employers can hire permanent replacements for their striking employees. New workers promised permanent positions are vested with an enforceable cause of action. And junior striking employees who cross picket lines may be retained and offered superior positions in preference to more senior strikers.

Don't tell me this doesn't destroy the right to strike.

As a former labor lawyer representing unions 20 years ago, I have followed closely the accelerating erosion of the remedies workers could avail themselves of when faced by employers who refuse to bargain in good faith. One by one, these remedies have been weakened. An entire new generation of lawyers has developed whose stock in trade is mastery of the delaying tactics which the Board has tragically sanctioned.

And of course over the years, the range of countervailing economic weapons has now almost thoroughly been denied to workers—from secondary strikes to consumer picketing to hot cargo agreements. All this at the same time that we preach the gospel of economic ambition—for employers only, so it seems.

Little wonder that, in the words of the committee report, "today workers have not so much a right to strike as a right to quit."

Tragically, the due bills have come in from a decade of Reaganomics, of takeovers, leveraged buyouts, and an entire range of economically and socially unproductive economic activities pursued by owners and investors with no loyalty to employees nor stake in the community.

Workers these days are expected to appreciate having a job at all. Concerted activity to improve wages and working conditions is seen as an act of ingratitude.

I hope that in considering today's vote, my colleagues will remember all the times we have as a body lamented the decline in U.S. productivity and competitiveness. Consider the terrible price we pay as a Nation—not to speak of the price paid by thousands of individual American families—when loyal, experienced American workers are replaced, and often at best underemployed in new, lower paid, and lower skilled jobs, if they are employed at all.

I do not want our children to have to relive the terrible history that pitted Americans against Americans, workers against their replacements. We understand, and abhor, that history as we understand it from our parents and grandparents, and from our history books. Let us restore the means for peaceful resolution of worker and employer differences promised by the National Labor Relations Act. I urge passage of H.R. 5.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes and 30 seconds to the distinguished gentleman from Michigan [Mr. HENRY], a member of the committee.

Mr. HENRY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to H.R. 5. All of my colleagues have been faced in our districts with labor-management confrontations, sometimes involving merely economic issues, other times unfair labor practice issues, and often and unfortunately very, very contentious and ugly situations.

We should make very, very clear that this legislation does not restore past labor practice relative to labor-management confrontations, as previous speakers have claimed. This legislation represents a dramatic reversal of the manner in which this Nation has historically handled labor-management conflicts.

Reaching back to the Wagner Act of 1935, in which the distinction between an economic strike and an unfair labor-management practice was clearly established, reaching back to the Taft-Hartley Act in 1947, the distinction between the way in which the rights of labor are handled in terms of restoring labor's position to a job, between an economic strike versus an unfair labor-management practice on behalf of capital or management is clearly established historically in this country. Current law distinguishes between a strike involving an unfair labor practice, where the rights of strikers to return to their jobs are fully protected with the unqualified right to return to the job versus a strike over economic issues where management risks interruptions in its productivity and the burden of training new workers against labor's risk of job loss.

And even when a strike is over purely economic terms and does not involve unfair labor practices, labor still retains a right, a preferential right to reinstatement, although not an unqualified right to reinstatement.

Economic strikers already enjoy preferential rights to reinstatement. What this legislation seeks to do is to give an unqualified right to reinstatement for economic strikes in addition to that which is already enjoyed for strikes involving unfair labor practices.

Employees will be free to strike repeatedly, no matter how excessive their demands, knowing their jobs would always be waiting for them.

Take the International Federation of Flight Attendants versus TWA situation, for example. I am no fan of Frank Lorenzo, but on the other side we have got problems, too. In the TWA flight attendants' case, labor admitted in the record while before the court and before the NLRB that their demands were

four times what the union itself admitted would be adequate to fill the jobs in dispute, four times what would be necessary.

We have in a capitalist society a situation in which labor has to contend with capital. And we want a level playing field. But when we deal with the issue of labor versus capital, we also have to remember that in a global economic environment or even within a national economy, capital also has to compete against capital and labor has to compete against labor.

H.R. 5 leaves us with a situation where labor does not have to compete with labor but capital still has to compete with capital. That will work in monopolies, whether it be the monopolies that come about because of some special economic positions and economic structure or industrywide regulation, but it will not work in global markets.

We hear talk of employers breaking unions. Any attempt of an employer to break the union is in and of itself an unfair labor practice. And once such a practice has been determined, that worker already enjoys under existing law an unqualified, I repeat, unqualified right to that job.

I will return to this later, Mr. Chairman, because I have much more to say on the issue.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, thank you for the opportunity to speak on this important legislation.

There are millions of workers who are or will be watching this debate. They search for a fair deal: decent health care when needed, reasonable wages to feed themselves and their children, and a workplace which is safe from horrible illnesses such as black or brown lung disease, chemical poisoning or accidents which mutilate one's body. When organized labor wins these rights, all working Americans enjoy the benefits. This is all collective bargaining attempts to achieve.

Yet this is precisely what Frank Lorenzo and his type are trying to destroy with their recent, vicious attacks.

Some opponents of this bill argue that the sky will fall down and that the Earth will open up if this legislation passes. Such is not the case. This bill merely restores the pre-1980 right of employees to lawfully withhold their labor, which is their fundamental right for a decent life in a democracy.

Let me give you one example of the importance of this bill: Since the Presidential action against PATCO, which violently changed the lives of all workers, certain companies have advertised for permanent replacements prior to an actual strike. The results as seen across this country, have been devastating. The Greyhound Bus strike is a classical example. Communities are torn apart. Peoples' lives are destroyed. And companies which have been pillars of the community are ruined.

I urge my colleagues to support H.R. 5.

Finally, the way to make America commercially strong is not by lowering our standard of living, but by increasing our productivity. Japan, Germany, and other countries which are raising their production all have legislation such as H.R. 5—none of them allow legal strikes to be busted by permanent scabs. We, too, can increase production. It won't happen by busting unions.

□ 1400

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Oklahoma [Mr. EDWARDS], who is not only a member of the committee, but is a member of leadership, and he is also a member of the task force involving this issue.

Mr. EDWARDS of Oklahoma. Mr. Chairman, every American worker knows that this country is at war. It is a war of imports and exports. It is a war of international trade balances. It is a war in which the weapons are economic growth and productivity and competitiveness.

America has grown out of the Dark Ages in which labor and management engaged in constant battle which closed shops and factories and brought American productivity to a standstill.

For more than 50 years, the law has maintained a balance between labor and management, 50 years in which America surged to leadership of the industrial world, 50 years of unprecedented technological growth.

For half a century Democrats and Republicans alike have maintained this balance. This is a balance that has been supported by Ronald Reagan and Franklin Roosevelt, by George Bush and Harry Truman, and by one Democratic Congress after another. It would be absolute folly to upset this balance now to encourage more strikes, more work stoppages, more lost productivity now when we face unprecedented economic competition from both Asia and Europe.

The opponents of this legislation are not the opponents of the American worker or of labor. The House Republican Policy Committee, of which I am the chairman, stated in a formal policy statement on this bill that House Republicans recognize the existing legal right of workers to strike. We commit ourselves to maintaining a balance in labor-management relations. We support the American worker, and we support fairness.

This legislation supports neither.

Why is the Democratic leadership trying now to change the law?

According to GAO, there has been no change in labor-management relations which calls for such a radical revision of labor law. Permanent replacement workers are now and always have been rare.

H.R. 5 is not about fairness. It is intended to create an inequality between labor and management. H.R. 5, amazingly, is so unfair, so outrageously extreme that it would even allow strikers who had engaged in violence to throw out of work the very victims of their violence.

In what other instance would you even begin to consider legislation that could do this to your constituents?

There are other serious consequences to this bill. For some workplaces, closing the doors is not an option. Hospitals cannot simply close down and wait until the strike is over.

Temporary replacements are not practical in a hospital. There will be no choice but to give in to whatever demands are presented or to close the doors. So health care, already excessively costly, would become more so.

Make no mistake, a vote for H.R. 5 is a vote to increase our Nation's health care costs or to close hospitals, and both will mean less health care for more people.

H.R. 5 hurts the majority of American workers, small businesses, the national economy, local community health and safety.

Who then does it help if it hurts the general interest? To whom is H.R. 5 fair? This bill has one purpose. It helps the special concerns of union management. To union management, H.R. 5 is more than fair.

No, H.R. 5 is not about fairness. It is about more strikes, lost jobs, lost rights, a less competitive America, and endangering the health and safety of our constituents.

I urge all of my colleagues to vote no.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

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

Mr. Chairman, I rise in strong support of the bill before us today.

I would like you to give some thought to the plight of the working men and working women of this country. Over the last decade the purchasing power of middle-income working families has decreased. Over the last decade the tax burden on middle-income working families has increased. Now, we seeing a growing effort to replace people when they simply try to assert their economic rights, by withholding their labor when they have items in dispute with management.

Mr. Chairman, those rights one being stripped away from working by the hiring of replacements, by the hiring of scabs.

Is it not about time—in this era of a Michael Milken, in this era of cor-

porate raiders, in this era of the rich getting richer and the poor getting poorer, in this era of middle-income people getting short shrift all the way around—is it not about time for this Government to respond to the plight of the middle-income working families of this country? I think it is.

There will be a time, I hope, when in this Congress reserves the shift of wealth from the rich to the middle income. The richest 5 percent of this country have doubled their share of the national wealth in the last decade while the middle-income working families have had their purchasing power decreased.

But at the very least, for now, we should say to working families, working men and women in this country that this is not pre-Lech Walesa Poland, this is not Albania. We believe in free labor where American working men and working women can use their one tool to assert their economic rights, withholding their labor without being worried about government either tyrannizing them and preventing them from doing that—or, worse, hypocritically allowing employers to hire replacements and take their jobs away from them.

My friends, vote for Middle America. Vote for working families. Stand up for the working class of this country and pass this modest piece of legislation and do it today.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act. This bill will amend the National Labor Relations Act to make certain employees have the right to participate in collective bargaining, and the right to strike without the fear of losing their jobs to permanent replacements hired during the collective bargaining process.

With the threat of being permanently replaced, or fired, while taking part in a legal strike, workers do not truly have the full rights promised them by the National Labor Relations Act. There can be no good faith bargaining between workers and their employers in a labor dispute, when the employer has a trump card such as the threat of permanently replacing those same workers.

In the last decade we have seen an increase in the number of permanent replacements. In the *Trans World Airlines* v. *Independent Federation of Flight Attendants*, 489 U.S. 426 (1989), 4,000 flight attendant jobs hung in the balance during a labor dispute. Eventually, workers were given the options of accepting a substandard contract or losing their jobs.

The same is true of what occurred during the labor disputes between 9,000 Greyhound workers and their employer. Workers took a 10-percent cut in wages in 1987, followed by further cuts of up to 25 percent in benefits and wages. Greyhound refused good faith negotiations.

Roughly 6,000 workers went on strike and in the end, Greyhound told strikers who offered to return to work, that only 600 slots were available to them. Their jobs were gone.

After an exhausting 146-day strike between 2,300 workers of the New York Daily News and its former owner, the Tribune Co., new owner, Robert Maxwell said:

> What matters in the end is * * * we not only restored your jobs, but we proved that naked capitalism cannot win if it goes about destroying true collective bargaining.

During strikes, workers give up pay and benefits. Striking is their last option. Let us restore to them this vital, legal method in collective bargaining.

□ 1410

Mr. Chairman, just recently I found a snapshot which I have enlarged on this Xerox paper. It is a snapshot of my father on the left in the 1950's, on behalf of the Sheet Metal Worker's Union, striking in the South Bronx. My father always said to me that was the only true power he had in this society. H.R. 5 continues that ability for workers to defend themselves in this society.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. BOEHNER], a member of the committee.

Mr. BOEHNER. Mr. Chairman, supporters of H.R. 5 keep stating that the debate on this issue should focus on fairness. The self-proclaimed party of fairness has put forward H.R. 5 to bring equality to an allegedly unfair situation—Federal labor law which allows the use of replacement workers.

But what is fair? According to Webster's Dictionary, fair is defined as "free from self-interest, prejudice, or favoritism, free from favor toward either or any side." Supporters of H.R. 5 claim that the use of replacement workers is unfair to workers because it tilts the balance in labor-management negotiations in favor of management.

So the question put to us today in this debate is this: Does Federal labor law act in an unfair manner, by favoring management over labor? Though the majority party thinks otherwise, the answer is clearly no. The intent of the National Labor Relations Act is not to predetermine an outcome, but to bring both sides together to negotiate. The law acts to balance the rights of each party, giving both an incentive to settle their differences.

In a strike involving economic issues, labor and management are both given an ultimate weapon to protect their rights. For labor, their weapon is the right to strike. And this right is counterbalanced by management's right to continue operations through the use of replacement workers.

Using these weapons entails great risk for both sides. If employees strike for more money or better benefits, an economic strike, they must be ready to risk their jobs if others in the workplace find the pay and benefits the strikers have rejected as acceptable. It is very important to note that replacements can only be hired at the last best offer made to the union. If replacement workers will not take this last best offer made to the union, then management is making an unfair offer.

If H.R. 5 were to become law, all of the risk associated with going on strike would be eliminated. Instead of a balanced negotiating situation, companies would be faced with these stark choices: Agree to all union demands, no matter how outrageous; attempt to hire temporary employees to keep their business running; or refuse to meet labor demands, and shut down operations.

So Mr. Chairman, I ask what is fair about giving union members more rights than 85 percent of the work force that chooses not to join a union? What is fair about giving unions more rights than companies? What is fair about forcing every small business in the country to deal with a recognitional strike? What is fair about denying other employees a job that union members refuse to take? If you are truly concerned about fairness, you will vote against H.R. 5 which is not fair by anyone's definition.

Mr. FORD of Michigan. Mr. Chairman, I yield 1 minute to the gentleman from Philadelphia [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise to voice my strong support for H.R. 5, the Workplace Fairness Act, and against Goodling.

This issue is about returning parity to the bargaining table in labor disputes. Who knows better about compromise, bargaining, and negotiation than the men and women in this room?

We know that negotiations are crippled if parties to a dispute do not have potent bargaining chips.

We know that the most significant—the only—viable bargaining weapon in organized labor's arsenal is the right to strike.

And we know that present law tears the teeth and guts out of the right to strike.

In the 1980's—the decade of the scab—we saw it time and time again. The air traffic controller's strike. Greyhound. The New York Daily News, where replacement workers were on the job 20 minutes after a strike began. And Frank Lorenzo's war against the men and women who made Eastern Airlines fly.

This legislation does not mean that employers cannot hire temporary replacements and try to keep their business going. Rather, it forbids the hiring of permanent replacements.

I am proud to say that I introduced one of the first bills designed to stop

this practice. And I am proud to support this legislation today. Let's return stability to the bargaining table so American workers can negotiate for a fair deal.

Mr. FORD of Michigan. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, after listening to the general debate, it is obvious that there is a lot of confusion, so I would like to bring it down to 4 points. I think these 4 points are things that H.R. 5 will not do and does not do.

It will not cover mom and pop stores, because they do not have unions. It will not cover nonunion workplaces. CRS has written a complete study of that at the request of people opposing this bill, that verifies this. It will not prevent an employer from hiring replacements for the duration of a strike. It only prevents them from hiring permanent replacements. It will not put U.S. companies at a disadvantage, since all of our major competitors prohibit the use of permanent replacements.

Those are the main four things we have heard about today that this bill does not do and will not do. I hope that the Members, when they cast their vote, will not be confused by the confusing array of contrary information they have heard here, and what their constituents have heard from various special interest organizations, sending untrue information into their districts.

Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, as an original cosponsor, I rise in support of H.R. 5 the Workplace Fairness Act.

The 1980's rise to a new phenomenon in the collective-bargaining process: the permanent replacement worker. According to General Accounting Office, in 1989, management hired permanent replacement workers in 17 percent of all strikes. In roughly one-third of all strikes, employers threatened to hire permanent replacements. To me this is a discomforting trend.

This Nation prides itself on maintaining a platform for fair labor-management relations. The National Labor Relations Act of 1935 and the Railway Labor Act of 1928 provide a neutral framework for the collective-bargaining process.

More importantly, NLRA promises workers a fair chance to join unions, to bargain collectively, and if no agreement can be reached, to participate in a peaceful strike to further their bargaining goals. These are fundamental rights to American workers and, Mr. Chairman, these rights are now in jeopardy because of the use of permanent replacement workers.

It is fundamental to the collective-bargaining process that each side has an advantage on the other. On the workers' side, he or she can withdraw their labor and the employer loses money. On the management side by striking, management withdraws the workers' income. This balance of power between the two encourages settlement. Today, through the new and increased use of permanent replacement workers the balance is upset. The advantage is to management, and a major incentive to settle is taken away.

What is the difference between firing a legally striking worker and permanently replacing that worker? Not a whole lot. In the end, both the fired striker and the permanent replaced striker have no jobs and no paychecks.

Clearly, management is using the permanent replacement and the threat of permanent replacement as a means of once again tilting the delicate balance of fair collective-bargaining process to the side of management.

I am strongly committed to keeping a balanced scale in the collective-bargaining process. H.R. 5 restores the balance. I support the American worker.

Mr. Chairman, I commend the chairmen of the three committees for working so diligently to bring this important piece of legislation to the floor. I urge my colleagues to vote for the Workplace Fairness Act and send a message that this Congress also supports the American worker.

□ 1420

Mr. GOODLING. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, first of all, let me repeat what I said in committee. The appearance of a scab means a healing process. In my opinion, as the National Labor Relations Act has evolved over a period of years that is exactly what they had in mind. They were not trying to produce confrontation. They were not trying to bring about unrest. They were trying to bring about a peaceful solution to problems.

Now, we have a tendency in the Congress of the United States to say whatever we want to say over and over again, no matter how many facts we may have to back that up or not. That is unfortunate, but it happens.

Today we have heard over and over again people trying to link somehow or another H.R. 5 with the air traffic controller firing. There is no connection whatsoever between the two. You were talking about a public sector group who knew by law that the President of the United States is required by law to fire them if they strike, because it is illegal; so it has nothing to do with the private sector in H.R. 5 whatsoever.

In fact, he bent the law. He begged them several times. He should have fired them on day 1 if he was going to go by the law, but he begged them over and over again to come back to work, come back to work. So it has nothing to do with H.R. 5.

A GAO study, we hear over and over again that somehow or another now we have all sorts of permanent replacements being put into place, something different than ever happened before; but yet what we really know is that from the information the GAO could get to make their study, that in 1985 there were only 4 percent permanent replacements, and in 1989 there were only 3 percent.

And listen to this. Many of those were reinstated, because the law requires that they be reinstated under certain circumstances.

Do not be fooled about who is covered and who is not covered and who it will affect and who it does not affect.

Let me tell you, if you pass H.R. 5, why would not everybody in the country join a union? You have unparalleled protection. Never before have we treated union and non-union workers differently. Here we do it for the first time. We treat union and non-union workers differently, and so you encourage everybody and their brother to become a member of the union.

Some have said that we just restore what was law. Read the text. You are not restoring, you are adding to; so read the text so you understand what it is we are doing.

Let me just close by saying that as Members of Congress we were sent here to represent 100 percent of the American work force. We were not sent here to represent 12 percent or 88 percent. We were sent here to represent 100 percent. We were not sent here to represent those who have a lot of money in their kitty. We were sent here to represent all workers in the United States, and that is why H.R. 5 is so dangerous. That is why we cannot make a differentiation.

I know what they say, with an amendment we have done such and such. Do not kid yourself.

Let us vote down H.R. 5. Let us look at some substitutes. Let us try to make a level playing field if we think there is not one, but let us not destroy a great relationship that is growing between labor and management, growing primarily because both sides know they need each other to survive.

Then last, let me also say that as we look at this legislation, we want to make sure that we do not cause employers to lose their businesses and employees to lose their jobs, because those jobs go elsewhere.

Think carefully before you vote.

Mr. FORD of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I rise in support of H.R. 5, which is equity for all Americans.

Mr. Chairman, there are those who say that H.R. 5 would give organized labor the ability to shut down a business if that business does not meet their demands. Nothing could be further from the truth. If H.R. 5 becomes law, employers could still conduct their business by hiring temporary employees; they just could not hire permanent replacements.

Today in the workplace, actions by a few firms—like Greyhound and Frank Lorenzo's Eastern Airlines—have sent all Americans the message that the right to strike now means the right to be permanently replaced. GAO found that employers now threaten to hire permanent replacements in nearly one out of every three strikes. Today that threat is implicit in every American workplace.

That hurts American business because it encourages a casino mentality of junk bonds, and golden parachutes. It encourages raiding pensions and employee health benefits rather than providing the customer with better products and services.

The administration is fear-mongering when it claims that H.R. 5 hurts business. The fact is H.R. 5 restores balance. It builds teamwork. Japan, Germany, and other nations compete using teamwork rather than replacement workers. As owner-operator of a small business for over two decades, I know how vital such teamwork is. I urge my colleagues to join me in supporting this important legislation.

Mr. FORD of Michigan. Mr. Chairman, I yield the balance of our time to the gentleman from Montana [Mr. WILLIAMS], the chairman of the subcommittee who handled this bill.

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

Mr. Chairman, today we have heard what I would call camouflage words, buzz words, words designed to focus on the extremes, rather than on the policy. Such tactics tend to polarize people, not to enlighten them. Perhaps we can get away from principles such as those and talk about those who this bill is designed to help, real people.

Her name is Lori Anderson. She and Jerry Anderson are married. Jerry used to drive for the Greyhound Co. Lori says, "For 15 years I've been used to having him out there on the road, didn't see a lot of him, but we were living a fairly good life."

She noted that when the leveraged buyouts in the go-go economic days of the 1980's came, Greyhound promised them a better life by saying that when Greyhound does better, you will do better; but when the leveraged buyouts backfired, Jerry and Lori Anderson found out that they were required to pay the bills. So after long labor-management negotiations, Jerry Anderson exercised that one right that all Americans have, and that is to voluntarily withhold his labor. When he did, when he stood up on the parking lot, in the driveway, and exercised that other great American right of holding a protest sign, when he did it, he was fired.

Today, Jerry works for a bakery. He makes 50 percent of what he did. Their family is greatly troubled and they wonder if their lives have not been ruined by simply exercising their right of free expression.

His name is Ted Ramirez. Ted is from Miami. He is 55 years of age. He worked for Eastern Airlines half his life. He watched Eastern Airlines executive Frank Lorenzo practice leveraged buyouts and take advantage of the go-go unregulated economic schemes of the 1980's.

Then Ted Ramirez and 24,000 other workers, having exhausted all their collective bargaining opportunities, went to the one American right they had left. They withheld their labor. They stood outside the airport and said, "Frank Lorenzo is unfair. We are being asked to pick it up for Frank Lorenzo by having our salaries cut, and we have already had our salaries held even or cut, and now Frank Lorenzo wants 47 percent more out of our paychecks."

So they went on strike and they were fired.

Today, Ted Ramirez sells men's clothing, makes $5 an hour. His retirement is gone. His health benefits are gone. His family is in trouble. Why? Because he did what the law told him he could do. He withheld his labor. He went outside the airport and held a sign that said, "This employer is unfair. We can't bargain with him." He exercised his rights, and he was fired.

If the bill we have today passes the House, passes the Senate, and is signed by the President, no longer will Americans be fired for expressing themselves.

Mr. MINETA. Mr. Chairman, H.R. 5, the Workplace Fairness Act, is essential legislation which I am proud to support.

This legislation will restore the balance between labor and management which has been eroded over the last decade.

Since 1935, the National Labor Relations Act has protected the right of workers to engage in collective bargaining, including the right of workers to strike.

H.R. 5 will end the anomaly in current law which permits employers to permanently replace striking workers despite the fact that employers are prohibited from firing workers for taking part in legal strikes.

There is no difference to the worker in being fired or being permanently replaced. In either situation, it means no job, no paycheck, no benefits, no health care coverage. Meanwhile, the cost of food, of housing, of car payments, or tuition, and of medical bills continues.

On the other hand, businesses have a number of options to continue operations during a strike.

They can replace all of the strikers for the duration of the strike.

Or, they can operate with supervisors and nonunion workers.

Or, they can stockpile in anticipation of a strike.

Or, they can shift work to nonunion facilities.

Or, they can subcontract for the duration of the strike.

H.R. 5 will level the playing field, restore a fair balance between labor and management, improve the standard of living for American workers, increase the competitiveness of American industry, and insure that the interests of all American workers are protected.

Mr. MOODY. Mr. Chairman. I am no expert in labor relations or labor law. We have heard greater experts than I on the floor today explaining to the membership how important this legislation is to America's working men and women.

But I do know what fairness means. And the claims by opponents of the striker replacement bill that this legislation will unbalance the scales between management and labor is itself an unfair charge. In fact, the opposite is true.

Without this law, the scales would be completely unbalanced against labor—against workers' rights and ability to withhold their labor in a dispute. What balance is there when going on strike means you can be permanently replaced—that is, fired? How can you strike when your livelihood is permanently threatened?

What balance is there when Greyhound or TWA—or International Paper or Cudahy in my State of Wisconsin—all replace striking workers permanently?

The fact is that the traditional labor-management balance that has prevailed for the last 50 years has been drastically altered over the last 10 years by a Reagan administration that used then considerable means at its disposal to achieve a far reaching antilabor agenda. There are many examples. Enforcement of OSHA laws was essentially gutted by first reducing, then eliminating altogether, onsite inspections. OSHA fines for serious violations were resulting in death or critical injury were reduced by more than 50 percent from 1972 to 1990.

But even more seriously, President Reagan used his discretion to undercut the traditionally neutral, mediating role of the National Labor Relations Board [NLRB] by appointing members who were openly antagonistic to organized labor. This resulted in a sharp rise of findings in favor of management and against labor—even when compared to previous Republican administrations. To say that the NLRB was packed by antilabor ideologies is no exaggeration.

And that is why we need this bill. The TWA, Greyhound, and International Paper situations would never have arisen under a balanced NLRB.

As long as we have aggressively antiunion political leadership, there will be strong support for legislation like H.R. 5. We would not be here discussing this legislation if the executive branch hadn't sought every means available to circumvent and gut the intention of America's time-honored and time-tested labor legislation philosophy of a rough balance between labor and management on the NLRB.

We need a strong bill because we need to send a strong message—working men and women will not be the doormats for those ruthless employers, and their administration servants, who seek to drastically imbalance the scales of fairness.

Mr. STENHOLM. Mr. Chairman, Members on both sides of this issue who have spoken before me have focused on the effect that H.R. 5 would have on the two sides involved in a labor dispute, that is employers and unions. I would like to add a slightly different perspective and share with you some of the unintended consequences this legislation would have especially in one area of great concern to me—rural health care.

I think most of us can agree that the availability and cost of health care is one of the

most important problems facing our country today. The problem is particularly acute in rural areas, with hospitals struggling to stay open and recruit the highly trained personnel necessary to keep the hospitals functioning. Of course, the real question here is not even the survival of hospitals; it is the health and lives of human beings. When the question becomes whether or not my senior citizens can receive health care, young women in my district can deliver their babies, or farmers have somewhere to go in the case of a farm accident, you can bet the issue has grabbed my attention and I'm not going to close my eyes to unintended consequences.

There is no question that H.R. 5 will cause more strikes. Coming on top of a recent Supreme Court decision which will facilitate the organization of acute care hospital employees, this legislation could result in traumatic disruptions of health care services, reduced access to services, and increased costs to consumers and the Government.

A hospital—especially one that is the sole provider of health care services within a several hundred mile area—does not have the luxury of closing its doors for any amount of time. The cost in terms of human life makes intentional shutdown of a hospital not only unacceptable but unethical shutdown of a hospital not only unacceptable but unethical as well. Likewise, rural hospitals do not have the option of hiring qualified temporary replacements. We start with a severe shortage of health care professionals in rural areas, a problem that we are spending Federal dollars to address through the National Health Services Corps and other incentives to health personnel. A hospital certainly won't be able to hire replacement workers with the supply being grossly inadequate to begin with. It is even more ludicrous to assume individuals could be convinced to travel hundreds of miles to a rural community to work as a temporary replacement. And even if one accepted that unrealistic premise, most hospitals would be unable to bear the cost of hiring short-term replacement workers. According to Betty Files, vice president of Hendrick Medical Center in Abilene, TX, the average cost of locating, recruiting, and training replacement nurses averages $15,512.

Without the option of closing its doors or hiring temporary replacements, a hospital would be faced with two equally undesirable options: It could either accede to labor's demands or it could attempt to maintain operations with nonstriking personnel.

Attempting to maintain operation without replacing striking personnel obviously would be extremely dangerous. Linda St. Mary LaFlamme, a registered nurse working in St. Louis, described this danger at a recent briefing:

> Ongoing labor stife in a hospital will strain the nursing staff to the breaking point, because the nurses will have to cover the basic services normally delivered by the striking employees * * * The other nurses and I would be forced to work double shifts * * * Working double shifts for an extended period of time will physically exhaust the nursing staff and affect the ability of nurses to make the care decisions necessary to the well being of our patients.

Mr. Chairman, I think we all know how our constituents feel about the rising cost of health care. The cost of health care will only increase even more rapidly as hopitals that are forced to accede to labor's demands pass the costs along to the consumers. Costs will also be passed to the Federal Government through the area wage index component of Medicare reimbursement to hospitals. Thinking that either consumers or the Federal Government can escape the costs of H.R. 5 is just plain foolish.

Mr. Chairman, this issue is not a simple issue involving only two sides. It is not just a fight between labor and management. This bill will have ramifications for the American people who may never see the picket line. Patients at a hospitals, residents of nursing homes, farmers waiting for their goods to be delivered to market and their customers waiting to buy these products, homeowners dependent on truck drivers to bring them home heating oil—all of these groups will be severely affected if we vote to impair the ability of industries to continue delivering their vital services during a strike. I urge my colleagues not to forget about these working men and women when they cast their vote on H.R. 5.

Mr. EDWARD of California. Mr. Chairman, the legislation we will vote on today will not grant any additional rights to union workers. It will only ensure that one of the most important labor rights, the right to strike, is preserved. That is why I rise today in strong support of H.R. 5.

Over the past 10 years, we have seen a dramatic shift in the balance of power between labor and management. Since President Reagan's decision to fire the air traffic controllers in 1981, it has become acceptable for management to permanently replace striking workers. This has had a destructive effect on the collective-bargaining process as employers have been reluctant to negotiate in good faith when they know they can simply hire new workers if they can force a strike.

H.R. 5 would give meaning to the right to strike guaranteed by the Federal Government. Although the law says that a worker cannot be fired for going on strike, the law also says that an employer is free to hire new permanent employees. H.R. 5 would get rid of this contradiction by clearly stating that employers do not have the option of hiring new employees in the event of a strike.

Finally, it is said that H.R. 5 is anticompetitive, yet the opposite appears to be true. According to the Library of Congress, among the industrialized nations, only Great Britain and certain Canadian provinces allow the hiring of permanent replacement workers. If Japan and Germany can compete in the global marketplace using replacement worker prohibitions, then I believe the United States can also compete with a similar law in place. I urge my colleagues to join me in supporting H.R. 5.

Mr. DICKS. Mr. Speaker, I rise in strong support of H.R. 5.

As a cosponsor of this legislation, I believe the right to strike is critical to the foundation of labor-management relations. This right has been guaranteed to American workers for more than 50 years, yet today it is seriously challenged by management's decision to hire permanent replacement workers.

I recognize that the Mackay decision provided employers the right to carry on the business. But as a matter of practice, however, management rarely exercised the option of hiring permanent replacements because it was considered to be unfair. Unfortunately, since the precedent of the air traffic controllers' strike of 1981, management has increasingly used its ability to replace striking workers, rendering this action by workers meaningless. Permanently replacing workers is not a legitimate practice in today's society. It destroys the cornerstone of collective bargaining. If management can permanently replace striking workers, the employers incentive to negotiate and bargain is reduced considerably.

Mr. Chairman, today we have an opportunity to restore balance, to bring fairness back into labor-management relations. I urge my colleagues to seize this opportunity and support this important legislation.

Mr. BUSTAMANTE. Mr. Chairman, I've come to believe that unions exist because either bad management exists at a worksite or a company has had a history of bad management. Groups of employees choose union representation in order to produce a democratic environment in the workplace through the collective-bargaining process.

Until the eighties, labor-management relationships have been relatively peaceful and stable as compared to the years when we were without a national labor law when workers had no rights. For the first 35 years of this century, workers had no say or influence in determining their wages or working conditions. They were treated as a simple commodity—a unit cost of production.

The Wagner Act changed that. But since the decade of the eighties, we are returning to the old days with the advent of a new kind of management class—the corporate raider. Unlike their counterparts of the past, they are interested in taking over and breaking up companies not building them. But like their predecessors, they are interested in breaking labor contracts, not building sound labor-management partnerships.

In 1935, Congress passed the Wagner Act to give workers a leg to stand on in dealing with management over issues of wages and working conditions. Under the National Labor Relations Act the strike is recognized as a tool to compel both labor and management to negotiate their differences seriously and fairly.

Corporate management has now found a way to undermine the collective-bargaining process and to shirk its responsibility to bargain in good faith. Management now engages in the practice of firing legal strikers by giving their jobs to permanent replacement workers. Three hundred thousand workers have been fired for exercising their legally protected right to strike since the early 1980's. The practice of hiring permanent replacement workers has destroyed a balanced labor management framework.

It's now time to restore balance to that system of checks and balances which presently governs labor-management relationships. I urge my colleagues to support this effort to achieve worker fairness. Please support H.R. 5.

Mr. MARKEY. Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act,

directed by my most able and distinguished colleague from Missouri, Representative BILL CLAY, and the amending language by my friend from Florida, Congressman PETE PETERSON. The National Labor Relations Act [NLRA] has given workers the right to organize labor unions, to bargain collectively with employers, and the right to strike for better wages, benefits, and working conditions for over 40 years.

A key safeguard the NLRA has to offer is the prohibition against firing workers for exercising their right to form or join unions. However, during a strike this safeguard loses its impact if it is legal to replace an employee who supported union activity during a strike. Increasingly during the last decade, since Reagan and PATCO, workers exercising their right to strike during a labor dispute have had this fundamental right undermined by employers who hired permanent replacement workers for the striking workers' positions.

H.R. 5 would amend the National Labor Relations Act to prohibit employers from hiring permanent replacement workers during a labor dispute and prohibit employers from discriminating against striking workers returning to their jobs once the dispute is over. I am an original cosponsor and solid supporter of this important legislation because the right of workers to strike is critical to the success of the collective-bargaining process, and that right must be well protected. The permanent replacement of striking workers represents a misinterpretation of the original intention of the NLRA, and it jeopardizes the rights of America's working men and women.

Opponents of this bill would have the American public believe that workers still have the viable option to strike. However, for the striking man or woman what is the difference between being fired and being replaced permanently? How seriously will workers' demands be taken by management when their final desperate attempt at having their concerns addressed is virtually powerless in the face of the permanent replacement threat?

Opponents of this legislation would also have the American public believe that permanent replacement has not been a major factor in labor-management relations during the last decade. However, over one-third of striking workers have been threatened with permanent replacement. This practice of intimidation leaves the worker with two options: lost your job or succumb to management's demands. These tactics have resulted in a decline in the real wages of the American worker during the last decade. An actual decline in real earnings during the Donald Trump, boom economy, high living, greed-driven eighties.

The real issue we are debating over today is whether we agree on the sanctity of the American workers' fundamental right to strike without fear of losing his or her job. The dignity of the working men and women in this country has been abused long enough by the use of the permanent replacement practice. It is time to rejoin the rest of the industrialized world in respecting the people who form the invaluable foundation of our country's economy. I ask my colleagues to support the Workplace Fairness Act to restore the equity in labor-management relations that the NLRA originally intended and to restore the honor in being an American worker.

Mr. GLICKMAN. Mr. Chairman, I rise today in support of H.R. 5, the Fairness in the Workplace Act of 1991. I do so after carefully considering the merits of the arguments both in favor of and opposed to this measure.

H.R. 5 will eliminate the apparent conflict between the National Labor Relations Act of 1935, which provides workers the right to strike without being fired, and the Mackay Supreme Court decision which allows companies to permanently replace strikers. Federal law prohibits employers from firing strikers, but it allows the employer to permanently replace the striker. My support of this bill stems from the need to clarify this contradiction.

I am very concerned about the loss of jobs caused by the practice of permanently replacing strikers. Collective bargaining will never be effective if there is an apparent imbalance in the negotiating process. Workers must be assured that they will have safe work conditions and fair compensation for their work contribution, and that if they do not have such conditions they can fairly bargain with their employers. They must be further assured that if the bargaining process fails, they can strike without the fear of being permanently replaced.

The decision to strike has always been a difficult and costly one for workers. It means being without a paycheck. It means a disruption of daily life for workers and their families. It is sometimes, however, the only way workers are able to protect their interests in contract negotiations with their employers. I urge my colleagues to remember this and realize workers strike only as a last resort. Keeping this in mind, I further urge passage of this legislation to maintain the balance of bargaining power between workers and their employers.

I would point out that this bill does not apply to nonunion employment relationships, which represent the vast and overwhelming majority of American employees. I would not have supported legislation which would have covered nonunion workplaces.

Mr. MICHEL. Mr. Chairman, I must oppose H.R. 5, the striker replacement bill. The bill would overturn 50 years of established law and unnecessarily change the delicate balance in labor-management relations.

The law, as it currently stands, prohibits employers from hiring permanent replacements for strikers if the company has engaged in an unfair labor practice.

But if workers strike for purely economic reasons, for higher wages or benefits, the law permits employers to remain in business by allowing the hiring of permanent replacements.

This, however, is a practice that most employers do not enter into lightly.

A delicate balance is struck between the employees' right to strike for increased wages and the employers' right to stay in business, to retain market share and to protect the jobs of those employees who have chosen not to strike.

H.R. 5 tips this delicate balance significantly toward workers who go on strike because it would force employers to accept the economic demands of striking workers or risk going out of business.

Arguments for H.R. 5 suggest that there has been a significant increase in the hiring of permanent replacements during the last 10 years. I grant that there have been several high-profile strikes in recent years involving permanent replacements.

But these isolated cases should not trigger a major revision of law which has served both labor and management well for over 50 years.

In fact, when examining the hard evidence the alleged trend does not materialize. An Employment Policy Foundation study identified 251 National Labor Relations Board cases since 1938 where permanent replacements were hired, with only 22 of those cases occurring since 1981. A GAO study found that only 4 percent of striking workers were permanently replaced in 1989.

I also note that over the years labor law has been reviewed and amended on several occasions. At no time has the issue of banning permanent replacements been seriously considered.

During a major overhaul of labor law in the Carter administration, the concept of banning permanent replacements was found unacceptable. It was felt that banning permanent replacements would lead to increased labor disputes and inflationary wage increases.

Enactment of H.R. 5 will lead to increased strikes. Rather than encouraging strikes, we should be encouraging labor and management to work together to improve the global competitiveness of U.S. companies. Increased competitiveness will lead to larger market share and more jobs for Americans.

In closing, I would like to remind Members that the President has indicted that he will veto H.R. 5.

I urge my colleagues to leave in place the existing balance which entails risks for all parties at the bargaining table. Let's not provide an unfair advantage to only one side.

Mr. STOKES. Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act, and urge all my colleagues to support this legislation to restore a fair balance between the interests of labor and management, as orginally envisioned under the National Labor Relations Act.

I also want to take a moment to commend my colleague, the gentleman from Missouri [Mr. CLAY], who has worked tirelessly to bring this important legislation to the floor. As a result of his leadership we have before us a bill that protects the rights of American workers.

Mr. Chairman, there is a serious threat to the livelihood of working men and women of America—the permanent replacement of striking workers. This practice is both bad economic policy and morally reprehensible.

The right to strike is the only legal means workers have of bringing economic pressure to bear on employers to protrect their wages and working conditions. The National Labor Relations Act says, "Nothing in this act * * * shall be construed so as either to interfere with or impede or diminish in any way the right to strike * * *." Permanent replacement of striking workers eliminates the right to strike.

Though the right to permanently replace strikers has existed for more than 50 years, employers seldom resorted to it until recently. What is ultimately at stake is the survival of the collective-bargaining system. Without an effective right to strike, workers enter negotiations with no leverage.

Our labor law gives workers the right to choose whether to be in a union; but by permanently replacing the workers, the employer also permanently replaces the union. Increasingly, we see instances in which employers are promoting strikes, making bargaining demands that are so outrageous their employees are forced to strike. The employer then permanently replaces the workers and thereby effectively busts the union.

Mr. Chairman, in order to restore American manufacturing to global competitiveness, good will between labor and management needs to be nurtured. Instead, we have a law which deceives workers, and undermines the trust that is essential in building cooperative working relationships between labor and management.

The Workplace Fairness Act prohibits employers from hiring permanent replacement workers during a labor dispute. H.R. 5 also makes it an unfair labor practice for employers to grant employment preference to replacement workers over striking workers once a dispute is settled.

I am proud to be among the over 200 Members of Congress who have joined as cosponsors of H.R. 5. I believe that a practice which encourages employers to bargain in bad faith, that prolongs labor disputes, that destroys workers' rights to a voice in their working conditions, that destroys individuals, families and communities, should not and cannot be tolerated.

Mr. Chairman, the Workplace Fairness Act is an intelligent legislative solution to a very emotional and contentious issue in labor-management relations in this country. I urge all my colleagues to support this fair and reasonable legislation to restore fairness to labor-management relations.

Mr. ROE. Mr. Chairman, I strongly support and was one of the first to cosponsor H.R. 5, the striker replacement bill. The bill is designed to protect an important right which has been guaranteed to American workers for more than 50 years: The right to strike when they are unable to reach a collective bargaining agreement with an employer.

The right to strike is a fundamental right of American workers. It is part of a comprehensive system of workers' rights and protections that has proved successful during the past half century in making American workers the mainstays of our economy. To permit permanent replacements for strikers is to do away with the right to strike altogether. That right is fundamental to American society in the 20th century and must be maintained.

In recent years, the right to strike has clearly been jeopardized by several antiunion actions. Although the law is clear that employers may not fire striking employees, the courts have illogically ruled that the employer may permanently replace strikers. This right of employers was rarely exercised until the 1980's when replacing striking workers began to gain favor with some employers. In the airline industry, permanent replacement workers have been hired in five of seven airline strikes since 1981. More than 16,000 workers have lost their jobs in these strikes.

This is a dangerous precedent for American business. By ignoring the need for a qualified and experienced work force, by looking at the short term rather than an enduring and cooperative relationship between labor and management, some businessmen have undercut the quality and competitiveness of their own enterprises. American business rose to preeminence on a foundation of a working relationship between management and labor. By allowing one facet of this tandem to simply divorce itself from the other, without consideration, is to destroy this foundation and return to the days of sweat shops when workers were simply dependents of management rather than contributing partners.

Business is a partnership. Labor is not a simple chattel to be bought and sold at the best price. Workers are the lifeblood of productivity and to strip them of their right to stand up for themselves and their families strips them of their dignity and robs business of workers who care about their jobs and the quality of their work. A job is more than a simple paycheck, it reflects an individual's self image. To say that they simply serve at the whim of management is to remove from them any form of control over their own livelihood. This grossly unequal situation is far from the American ideal of justice and equality. It is a step backward and will further undermine the nation's struggle to remain competitive in the world market.

Industrialized nations throughout the world have recognized that labor and management are both integral to the success of business. Without a substantive right to strike, labor is left exposed, unable to bargain for its needs and unable to stand with management as an equal in performing the business of the country. Without a right to strike, labor becomes one more inanimate production component bought and sold like so much coal or steel or concrete.

H.R. 5 reverses this serious erosion of labor rights, prohibiting the permanent replacement of striking union employees. Two hundred and ten of my colleagues and I have cosponsored this vital legislation to reserve and protect the rights of working men and women in this Nation. I urge my colleagues to join me in passing this important legislation.

Mr. GREEN of New York. Mr. Chairman, I rise in support of H.R. 5, the Workplace Fairness Act of 1991. The legislation, which will amend the National Labor Relations Act and the Railway Labor Act, prohibits employers from giving replacement workers seniority over workers who strike for economic reasons. Recent examples in which management sought to do that include the Eastern Airlines, Greyhound, and Daily News strikes.

It is clear that, over the past 10 years, the collective-bargaining environment has changed. Labor-management relations have changed. H.R. 5 works to address the imbalance that has emerged and restores the legitimate right of an employee to strike without the threat of being permanently replaced. The legislation preserves the right of management to operate during strikes by allowing the hiring of temporary replacements.

In closing, I believe that losing one's job should never be a prerequisite for seeking economic equity. The Workplace Fairness Act will work to remedy the current inequity in our labor law as well as advance more cooperative labor-management relations. H.R. 5 will help restore the significant erosion in bargaining strength that the American worker has had to confront over the past decade.

Mr. CHANDLER. Mr. Chairman, I rise today in opposition to H.R. 5, also known as the striker replacement bill. This fails to achieve its goal of creating equity in the workplace, and instead, seriously undermines the delicate relationship that currently exists between employers and their employees. Over the past 50 years, we have created fair and equitable labor-management laws which have been used as standards for worker protection laws worldwide. Because we have these laws in place, American industries have maintained a competitive edge in the world marketplace.

Current law has guidelines in place that limit the ability of employers to use permanent replacements during a strike. The truth is that no striker can be fired for lawfully exercising his or her right to strike. The truth is that permanent replacements cannot be hired during an unfair labor practice strike—and this definition includes unreasonable settlement packages presented by an employer to a union. And the truth is that in contrast to claims that the incidence of permanent replacements has risen in the past decade, the General Accounting Office study has shown that employers have only hired permanent replacements during economic strikes in 17 percent of recent cases.

Proponents of H.R. 5 will argue that this bill is needed to bring back balance under the current labor-management collective bargaining process. I disagree. Proponents would have you believe that employers currently have no incentive to bargain with striking workers, so long as they have the right to replace them. This is simply not the case.

Mr. Chairman, I fear that H.R. 5 unfairly tips the scales and destroys the economic balance in private sector collective bargaining established over 50 years ago. Ultimately, this legislation will greatly diminish the ability of American business to compete both here and abroad. I firmly believe that Congress should instead be seeking ways to enhance the ability of American companies to compete in an increasingly global marketplace. This would do far more to benefit the American work force than this bill will ever hope to achieve.

Mr. GUNDERSON. Mr. Chairman, in voting on H.R. 5 today, the House has again failed in its responsibility to find fair solutions to the difficult problems facing American employees and employers.

A PROBLEM EXISTS

I will be the first to agree that the balance in labor-management relations has shifted in favor of management. While the Mackay Supreme Court decision, which H.R. 5 would overturn, has been in place since 1939, few employers have opted to permanently replace workers who strike for economic reasons. A GAO report requested by the proponents of H.R. 5 states there is little supporting data of more replacements hired since 1980. In fact, the Mackay doctrine has been used in court for just 4 to 6 cases per year on average over the last 40 years.

However, the problem is a few bad apples have spoiled this tradition. Some high profile labor-management disputes, like those at Eastern Airlines and Greyhound, for example, have made it obvious that some unscrupulous

employers are not reluctant to permanently replace strikers to avoid bargaining in good faith with them.

I agree with labor that a problem exists, and that a solution is needed. However, H.R. 5 is not the solution. If the National Labor Relations Act [NLRA] is now tilted to favor employers, it will be tilted to favor employees under H.R. 5.

H.R. 5 IS NOT THE SOLUTION

H.R. 5 is unfair because it eliminates any defense an employer has against a total shutdown of his or her business. While section 13 of the NLRA guarantees that nothing should "interfere with or impede or diminish the right to strike," section 9(c)(3) of the NLRA refers to strikers "not entitled to reinstatement."

The law never intended to allow employees to shut down a business for any reason without incurring some minimal risk. In fact, the Supreme Court stated, "The right to bargain collectively does not entail any 'right' to insist on one's position free from economic disadvantage. The right to strike as commonly understood is the right to cease work—nothing more."—Warren Court, 1965, American Shipbuilding Co. versus NLRB.

Proponents of H.R. 5 know this. In 1977, when President Jimmy Carter proposed his labor relations reform bill, he specifically opposed banning permanent replacement workers. At the time, he thought such a ban would be unfair to employers and disruptive to the collective bargaining process. In the last Congress, proponents of H.R. 5 introduced H.R. 4552. That bill simply set a 10-week moratorium on hiring permanent strike replacements.

H.R. 5 IS PURE POLITICS, NOT GOOD POLICY

Why now do they seek to go further with H.R. 5? Unfortunately, I feel they have done so for political reasons—to force a Presidential veto. Evidence of this was clear when, during hearings on this issue before the Labor-Management Subcommittee on July 14, 1988, Chairman CLAY stated that the bill "may not become the law of the land, but it's going to become the battleground for the next session of Congress, I can assure you of that."

This hardball approach is too common. And it nearly always hurts America's workers. Many of the proponents advocating workplace fairness under H.R. 5 are the same proponents who demanded fairness during the divisive budget battle last year. They forced luxury taxes on the purchase of such items as automobiles, aircraft, and boats—all in the name of fairness.

Since that time, these taxes have cost American workers their jobs. Auto industry sales have dropped 45 percent since the fairness taxes were put in place. So far, over 3,000 auto sales workers have been laid off. The boating industry has laid off over 8,000 boat builders, and projects a total of 19,000 workers will be laid off by year's end.

My fear is that H.R. 5 follows this same logic of fairness. The bill undermines the intent of the NLRA, which is to reduce labor-management tension and reduce strikes. Today, strikes are at the lowest level since 1935. H.R. 5 makes striking as an alternative to productive bargaining too simple. No one gains when America's workers can't work.

A BETTER SOLUTION

While I oppose H.R. 5, I support the only available solution that represents a middle ground on this issue. The substitute offered by Mr. GOODLING acknowledges the pendulum has shifted to employers under NLRA, but looks for a solution that can become law.

First, the substitute prevents permanent replacements for the first 8 weeks of a strike, similar to the original H.R. 4552. The committee found the huge majority of strikes are resolved within 8 weeks.

Second, the substitute extends from 12 to 18 months the period of time strikers not reinstated have to vote in a representation election. This provision greatly decreases the opportunity for employers to decertify a union after conclusion of an economic strike. Specifically, it allows a union to seek to maintain its representation of replacement employers with votes of replaced strikers.

Third, the substitute includes a sense-of-Congress resolution stating that the National Labor Relations Board [NLRB] should resolve the problem of delays in intervening in such disputes. According to a recent GAO report, though fewer than 5 percent of cases filed go to Board, and just 17 percent of those are typically delayed 2 years or more, this amounts to 823 cases per year. The substitute bill would require the NLRB to give precedence to cases requiring determination of strike status.

Fourth, the substitute also contains provisions requiring secret ballot votes to strike, and codifies case law allowing employers not to reinstate violent strikers.

The Goodling substitute is balanced and fair, without the faults inherent in H.R. 5. Importantly, it is also well-intentioned, seeking not to give unfair advantage to one side over the other, but to maintain balance in labor-management relations.

A COMPREHENSIVE APPROACH TO LABOR LAW REFORM

Finally, I ask my colleagues to review my call for establishment of a bipartisan commission on labor law reform. In an increasingly competitive world economy, America cannot afford increased tensions in labor-management relations. Neither can American workers and American businesses afford continued partisan, piecemeal approaches to improving working conditions for American workers.

A major focus of the commission must be on redirecting the National Labor Relations Act. The NLRA should do more than simply mediate disputes. It should also provide guidance in promoting joint labor-management goals.

Again, I pledge to the Wisconsin laborers and business owners I represent that, despite failure by Congress to work these problems out, I will continue pushing for comprehensive reform of our labor laws. I plan to continue providing fair, middle-ground alternatives to the divisive policies advocated by some in Congress.

Mr. BORSKI. Mr. Chairman, I rise in strong support of H.R. 5 to provide essential protection to American working men and women.

There has been a lot of rhetoric injected into this debate but one fact is clear: Without this legislation, the right to strike is virtually meaningless.

The National Labor Relations Act was written in 1935 to protect the rights of workers to join unions and engage in collective bargaining. In general, this law has successfully protected working men and women. But it fails miserably when employees go out on strike. A strike is the one circumstance in which an employer can legally replace a worker who is engaging in a union activity.

In fact, ever since Ronald Reagan fired 11,400 striking air traffic controllers in 1981, employers have increasingly used this legal loophole to crush strikes.

Mr. Chairman, nothing is more fundamental to the collective-bargaining process than the right to strike. But confidence in that right is rapidly eroding. That is because thousands of workers have lost their jobs to permanent replacements when they exercised their right to strike.

Obviously, we need to restore workers confidence in this essential element of the collective-bargaining system. And, we have an opportunity to do that today by approving H.R. 5.

H.R. 5 would ban the hiring of permanent replacement workers during labor disputes. As such, the legislation would restore a measure of equity to labor-management relations. Employers would still be allowed to hire replacements during a lockout or strike, but striking workers would be entitled to their jobs at the end of the dispute.

Mr. Chairman, I believe this legislation is a matter of basic fairness and equity. The working men and women of this country deserve no less.

Mr. SKAGGS. Mr. Chairman, legislation that deals with the fundamental relationship between labor and management in this country is always sensitive business. So, the Workplace Fairness Act, H.R. 5, deserves careful review, and the questions that have been raised—principally by businesses and business groups—deserve decent answers.

In deciding to support H.R. 5, I have tried to proceed in that way. I start from the proposition that we have a clear national interest in preserving and encouraging a fair and balanced collective-bargaining environment, which can serve to resolve disputes and effectuate workplace changes in a peaceful and stable fashion.

The ultimate sanctions historically recognized in American labor law and practice have been the lockout—by management—and the strike—by labor. Neither sanction could be easily circumvented by the other side in a dispute. Each reflected a proper sense that no person should be forced to apply either their capital—plant and equipment—or their labor involuntarily.

For workers, the right to strike—to withhold one's labor—is essential to the fundamental balance, and therefore to the fundamental fairness of collective bargaining. No one makes the decision to strike easily—it's far too costly for everyone affected to be casual about it. But, without it, the ability to bargain effectively is greatly undermined.

Employers who wished to continue operations during a strike were able to do so with temporary replacements, an approach that has been recognized as legal notwithstanding its obvious impact on the viability of a strike. But what's happened in the last few years has been the growing practice of companies faced with strike simply to hire permanent replace-

ments for strikers. For all practical purposes, that means you get fired for exercising your legal right to strike.

The net effect of allowing permanent replacements is to vitiate the ultimate bargaining position of workers and to render entirely unstable the collective bargaining process on which we properly reply for the orderly resolution of labor disputes. When the process gets so dramatically skewed in one direction, when people feel that the legal system no longer fairly requires comparable responsibilities and secures comparable rights for both sides, you end up with bitterness, community division and disillusionment, at best, and with resort to unlawful tactics, at worst. How much better to restore the proper balance than to merely condemn the wrongs wrought by imbalance. That's what H.R. 5 seeks to do.

Although the legal power to hire permanent replacements has existed since the late 1930's, companies simply didn't do it—at least not until recently. The President had a clear, if different, legal right to fire the PATCO strikers in 1981, because as Federal workers they had no legal right to strike. Still, that event appears to have legitimized in the minds of our less principled corporations a practice that had generally been viewed as illegitimate before. So, the 1980's and the abuses of Frank Lorenzo and others.

Several objections have been raised about the effect H.R. 5 will have in actual practice. And I want to try to address those questions. First, it was suggested by some that H.R. 5 would give protection to unauthorized walkouts and wildcat strikes. Clearly, by its terms, H.R. 5 applies only to those involved in labor disputes resulting from collective action under the auspices of a collective-bargaining representative. The use of that terminology, and the reliance on the well-established definitions of the National Labor Relations Act, precludes application in the case of illegal strikes.

Second, the issue of application to nonunion firms has been raised. The bill was amended in committee and now, again, on the floor to remove any practical doubt on this point. The protections afforded by H.R. 5 are to be available only to already unionized firms. There is even a lengthy legal opinion to this effect from the American Law Division of the Library of Congress. This bill was never intended to be a means to give labor a new weapon to use in organizing efforts. It's been made clear that it can't be.

So, the passage of H.R. 5, rather than leading to the excessive results feared by some of its opponents, will have the simpler effect of returning labor-management relationships to the state we generally knew throughout most of this century. Neither labor nor management will have excessive power, and both will have incentives to work together to reach agreement. Decisions on who will represent workers, and how disputes between employers and workers will be negotiated and settled, will follow well-established rules.

As part of this, the option of a strike will be available to a union, as the last resort that it always has been and always should be, and the option of hiring temporary replacement workers will be available to management, as it has been and should be. But a strike, while a drastic step, will not represent the end of the management-worker relationship, but instead a temporary impasse that can be resolved to everybody's satisfaction. And that, too, is as it should be.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 5, a bill ithat would bar the use of permanent replacement workers who take the jobs of striking employees who walk out over pay and other economic disputes.

Mr. Chairman, it's sad to think that we might not be considering this bill if President Reagan hadn't broken nearly 50 years of precedent by firing 12,000 striking air traffic controllers in 1981. Unfortunately, he did, and ever since then many American business owners have followed his lead. Scab laborers are now commonly used to intimidate American workingmen and women who are fighting for health care and livable wages to support their families.

By outlawing scabs, H.R. 5 will restore collective bargaining as the proper vehicle for settling labor disputes fairly. Mr. Chairman, despite the howls of protest that some business leaders have voiced against H.R. 5, I believe it will restore stability to the American workplace. Without H.R. 5, we will continue to see more of the disruptions that have ravaged companies such as Greyhound, Eastern Airlines and the New York Daily News.

But by passing H.R. 5, we will join industrialized countries such as Germany, Japan, France, Italy, Canada, and Sweden that forbid scab labor. The laws that now protect workers in those countries haven't hurt their competitiveness. We should expect the same results. In essence, this bill gives us a chance to help workers as well as our economy. I urge my colleagues to support H.R. 5.

Mr. MCMILLEN of Maryland. Mr. Chairman, I rise today in support of the Peterson amendment to H.R. 5. In particular, I want to express my unequivocal support for the working men and women who will regain equality in our labor relations laws. I also am impressed by the efforts of Chairman FORD and Representative PETERSON in reaching a compromise to allay the fears of many individuals in this country about the effect of this legislation on non-union companies.

By reinforcing the language in this bill which restricts application of the law to bargaining unit work, work done by unionized employees, the legislation is more clearly defined. The Workplace Fairness Act will provide the balance in labor-management relations which has been missing for the past decade, and will ensure that working men and women may have the opportunity to work with management for the good of their companies.

At the same time, Mr. Chairman, employers in non-union companies will continue to have the freedom to write contracts with their employees without being bound by labor laws that should not apply to them. That is the crux of the Peterson amendment, and the reason why this amendment will provide stability to both collective bargaining situations and labor-management relations in non-union firms.

Mr. HEFLEY. Mr. Chairman, today Congress is faced with a choice. The choice is whether to support economic growth and vitality or to support big labor's latest plan to fill the union coffers. To me, the choice is clear.

Congress should not sanction big labor's attempt to disrupt 50 years of labor law. By passing H.R. 5, Congress would send a message to the American people. That message, however, is not that we support working men and women as some would have you believe, the message would be that we in Congress support big labor bosses.

It's now clear that the Democrats are going to use their old standby issue of class warfare, trying to pit labor against management in an attempt to show that they are the party of the working class. But Mr. Chairman, is telling a business that they must shut their doors and close up shop because their is an economic strike against them something that will benefit the working class? Is losing your job because your company couldn't survive the economic strike against it, something that benefits the middle-class worker? As always, when the Democrats open their mouths, hold onto your wallet America you're about to be robbed, because strikes are costly and businesses will pass that expense on to the consumer.

Mr. Chairman, currently, the union's potent right to strike is counterbalanced by management's equally lawful right to continue its operations with replacement employees. This balance provides the strongest possible inducement for both groups to negotiate their differences. By passing H.R. 5, and insulating employees from the traditional risks that have checked precipitous strikes, we would promote labor unrest which would hurt labor, management, customers, suppliers and consumers.

Mr. Chairman, I urge my colleagues not to saddle our economy with the excess burden of federally mandated job security and vote against H.R. 5. And against the substitutes before you.

Mr. FRANKS of Connecticut. Mr. Chairman, today we have legislation before us which has the potential to radically alter the delicate balance between business and labor that has existed for more than fifty years.

The National Labor Relations Act [NLRA] was set up to provide for an equal balance of power in the collective bargaining process. As the Act states, it was Congress' means of "restoring equality of bargaining power between employers and employees".

During a strike over unfair labor practices businesses are allowed to hire temporary workers to fill the slots of strking workers. Once the strike has ended, these striking employees are required to be reinstated with full back pay.

During a strike over wages and benefits, an economic strike, the employer retains the right to keep the business up and running by hiring permanent replacements. There are, however, strict limits on doing so. Whether replaced or not, economic strikers still officially retain employee status.

Only three years after the NLRA was enacted, the Supreme Court confirmed that the employer had the right to hire permanent replacement in order to keep the business operating. Since then the Court has reaffirmed in numerous cases this same employer right.

Basically, what we have here is a level playing field for labor and management. Both can reap economic reward or loss. Labor risks being permanently replaced and business risks to possibility of not being able to operate during a strike. Mr. Chairman, these are the equal and fair risks that have served working men and women well for half a century.

This balance has resulted in guaranteeing the hard fought rights of workers, but not at the devastating expense of business owners, large and small. The reason is both sides have effective means to bargain. Labor can impede a business' productivity and business can replace striking workers to keep the business up and running.

I have had ten years of experience as a labor relations manager in several different companies. I am a true believer in the collective bargaining process and know that it works. Mr. Chairman, contrary to popular belief, most companies look at permanent replacement as a last resort.

It is not in a company's best interest to permanently replace strikers because it is simply bad business to do so. It costs businesses time, money, and resources to train these new employees, for, in many case, highly skilled positions. It also results in down time related to productivity, a problem that could have servere consequences to our economy, which includes those workers on the picket line and their families.

It is my feeling, Mr. Chairman, that if H.R. 5 was to be enacted it would have an adverse impact on all businesses and would hurt our economy, especially in my State which continues to suffer.

If businesses, particularly small businesses, were prohibited from replacing striking workers in order to keep themselves afloat—then we will be shutting the gates of opportunity for everyone.

We will be tilting the scales toward economic anarchy. Working people and owners of a small and large businesses will be the losers.

Mr. Chairman, we have laws and courts for workers to seek justice. Yes, there have been problems and some injustices during the last 50 years, but the system works.

Let's not fall prey to special interest thinking and threats. I hope my colleagues will join me and stand up for the working people of this country and vote "no" on H.R. 5.

Mr. POSHARD. Mr. Chairman, as a cosponsor of H.R. 5, the Workplace Fairness Act, I am pleased to rise in support of the working men and women of the United States of America.

In the face of some very difficult circumstances, American workers continue to fight for decent wages, benefits, working conditions, and standard of living. But they are losing the fight. They are losing to unfair competition from abroad, and an attitude of disrespect here at home.

In my district there is a strong union tradition. But more than that, there is a strong working tradition. People in southern Illinois want to work and take their jobs very seriously, the same way they view attempts to take those jobs away.

It bothers me a great deal to hear people say the unions have lost touch with modern times and have outlived their usefulness. Where would American labor law be today without the progress earned inch by inch over the years by unions dedicated to improving the quality of life for their members? We don't see men and women coming home maimed or killed at the same rate we once did, because the workers decided they weren't going to accept those conditions, and management wasn't going to squeeze the extra penny of profit out of their pain and misery.

Today, companies that employ these workers are not the local operations they once were, but huge international conglomerates with little attachment to the people in the shops and factories. In this atmosphere the company does not hesitate to move to replacement workers if the union is not willing to live under a "take it or leave it" edict. That very attitude is what forces us, as the last resort, to move to protect the rights so many have fought for so long to retain.

Support H.R. 5, to move us away from this ruthless situation and toward a more fair and equitable system of labor relations.

Mr. WEISS. Mr. Chairman, I rise in strong support of the Workplace Fairness Act of 1991. We must seize this opportunity to restore workers' rights and fairness and stability in labor-management relations through collective bargaining.

H.R. 5 reasonably would prohibit the use of permanent replacement workers in a labor dispute involving economic issues, and would bar employers from offering preferential benefits to strikebreakers who cross the picket line and return to work. The legislation would end the anomaly in current Federal labor law that the Mackay Radio decision established 50 years ago. The law, on the one hand, prohibits employers from firing workers for taking part in a lawful strike, but on the other hand, permits them to replace striking workers permanently. Whether a striker is discharged or permanently replaced matters not to the worker—both translate into the same loss of job and loss of paycheck.

In the first 40 years after the Mackay decision, employers, while having the right to hire permanent replacement workers, hardly did so. They recognized that productivity depends on an experienced, highly trained, and loyal work force, that striker replacement is an improper employer retaliation, and that a lawful strike is a basic expression of workers' freedom of association.

In the last 10 years, however, employers have begun to use permanent replacements on a wide scale. When President Reagan fired air traffic controllers in 1981, he flashed a green light to the business community: It was now permissible to discharge striking workers. In addition, a new species of corporate manager emerged from corporate mergers and leveraged buyouts. Managers, overloaded with debt and concerned with survival, were willing to sacrifice long-term interests to win a strike.

A GAO study shows that in about 17 percent of the strikes reported to the Federal Mediation and Conciliation Service in 1985 and 1989, employers hired permanent replacement workers, and in about one-third of the strikes, employers threatened to hire permanent replacements. In addition to being used in the air traffic controllers case, striker replacements were used to end the Daily News, Eastern Airlines, Greyhound, and National Football League strikes, among many others.

Our major trading competitors, including Japan and Germany, guarantee their workers the right to their jobs after a strike is over. Unlike U.S. employers who resort to permanently replacing strikers, our competitors recognize the value of an experienced work force. Because they do not use permanent striker replacements, these countries enjoy stable labor-management relations, and thus are competitive in the world—and American—markets. They have high wages and trade surpluses. The United States, on the other hand, suffers from unstable labor-management relations, falling real wages, and a trade deficit.

Eliminating the option of permanently replacing striking workers, therefore, would help the United States achieve a more competitive position in the world economy. As long as permanent replacements are a possibility, some employers will force a strike as a way to get rid of union employees. When employers permanently replace strikers, they transform a limited dispute about wages into a larger and more heated confrontation about a worker's right to strike, right to keep his or her job, and right to union representation.

Permanently replacing strikers hurts all American workers, union and nonunion alike. In the 10 years that American employers have used striker replacements, not coincidentally, real weekly wages have dropped almost 6 percent. As employers more frequently resort to hiring permanent replacements for strikes, they eliminate labor's mechanism for raising real wages. As a result, wages are dragged down for all workers, both union and nonunion.

Critics of H.R. 5 charge that enactment of the bill will increase the willingness of workers to strike. This assertion ignores what a strike means to a worker: Confrontation, uncertainty, loss of income, and personal and family hardship. The decision to strike is not made easily—strikes are painful and are used as a weapon of last resort, to be avoided if at all possible.

I urge my colleagues to support the Workplace Fairness Act. We must close the legal loophole created by Mackay, which sabotages our law's promise to workers of a right to bargain collectively free from employer interference or retaliation and undermines our law's central policy of promoting productive and cooperative industrial relations. H.R. 5 would restore the balance of bargaining power between employers and workers which is now unfairly tipped in favor of the employer.

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to H.R. 5, the Striker Protection Act.

For over 50 years Congress has supported the worker's right to strike during a labor dispute and the employer's right to continue operations during the strike. I continue to support the collective bargaining process and the rights of employees to join together in solidarity and withhold their labor as a bargaining tool. Further, I continue to support the rights of workers to join together in an unfair labor strike without the fear of being permanently replaced. However, I will not support legislation which forces one party in a labor dispute, in this case the employer, to bear the entire burden of the risks and costs associated with a strike.

Nobody wins in a labor strike. Workers lose paychecks and employers lose a stable, experienced work force. A strike is, and should be, a last resort in the effort to reach a compromise in a labor dispute. It is a powerful

tool, and even the threat of its use will often encourage an agreement.

Under H.R. 5, a strike no longer serves as a powerful tool to encourage compromise, but instead serves as an economic weapon that discourages good faith bargaining. This legislation would encourage more strikes by giving labor organizations unfair leverage in the bargaining process.

The effects of this legislation could seriously weaken the U.S. economy at a time when our Nation's economic health and international competitiveness are critical. I urge my colleagues to join me in opposing H.R. 5.

Mr. SYNAR. Mr. Chairman, today I rise in support of H.R. 5, which bans the use of permanent replacement workers during legal union strikes. This legislation is vital to maintain a healthy, balanced relationship between management and labor.

The right to strike is labor's single most effective bargaining tool in the collective bargaining process. Since 1935 the National Labor Relations Act [NLRA] has protected the rights of workers to join unions and engage in collective bargaining. A key component to that right is that employers may not fire employees for engaging in union activities. In the 1938 Mackay decision, the Supreme Court ruled that the National Labor Relations Act grants employers the right to hire permanent replacements for striking workers. This decision has governed labor-management relations ever since.

So, as we deal with this legislation we are being asked the question, "Why now?" The answer is simple: Up until the 1980's employers valued experienced, loyal, and well-trained employees, and did not generally take advantage of this ruling. Unfortunately, one needs only to look at the actions taken in a number of recent well-known strikes such as Greyhound, Eastern and Continental airlines, TWA, and International Paper to see that this trend no longer holds. We must not allow the right to strike to become a hollow, useless right. It is very important that we protect the right to strike as a credible protection for workers' rights in this country.

However, I am also concerned that the delicate balance between labor and management be kept even. Some people argue that H.R. 5 shifts the balance too far in favor of labor, however there is very little difference between being fired and being permanently replaced. This legislation in no way alters an employer's right to hire temporary replacements. The hiring of temporary replacement workers has long been considered an effective management tool to keep a business open during an organized labor strike. Other techniques, such as temporarily reassigning managment to strikers' jobs, stockpiling products in anticipation of a strike, or subcontracting out certain jobs, are also still effective means of dealing with strikes. Employers do win strikes without ever hiring or threatening to hire permanent replacement workers.

Concerns have also been expressed that this bill would encourage more strikes, but it is not reasonable to assume that employees would prefer to strike than work out an agreement and remain on the job and bring home necessary paychecks. Going on strike is never an easy decision for workers, and it is not taken lightly. Additionally, this bill applies to only organized union strikes, which should prevent sudden, unpredictable work stoppages by employees who have no clearly defined reasons for striking or negotiation structure.

And finally, concerns have been expressed by some in the business community that, at a time when the issue of American industrial competitiveness is constantly at the forefront it is inappropriate to alter the status of management-labor relations. I disagree. In fact, both Japan and Germany guarantee their workers the right to reinstatement after a strike. Most of our big competitors favor the use of highly trained, well-paid, loyal work force. They also favor fostering an atmosphere of cooperative between management and labor.

I think all of us would like to see a cooperative relationship exist between management and labor. Let's start working on building that relationship now. As long as workers can be permanently replaced for striking, the relationship between labor and management will remain tense. I am voting for H.R. 5 because it will restore workers' faith in the collective bargaining process and return the labor-management relationship to an even balance. Employers will retain their right to hire temporary replacements during any strike, and employees can join in organized labor activities without losing their jobs.

Mrs. SLAUGHTER of New York. Mr. Chairman, today I am proud to rise in support of America's working men and women and their families. H.R. 5, the Workplace Fairness Act, prohibits employers from permanently replacing organized workers striking on economic issues, thereby eliminating a loophole which threatens to unravel American workers' long-held right to strike.

Franklin Roosevelt's New Deal guaranteed workers the right to strike without fear of being fired. But since 1981, thousands of working Americans have been permanently replaced for standing up for benefits they were promised by their employers. It's hard to believe this could happen in America, but in the 1980's corporate profiteers like Frank Lorenzo have replaced striking workers and tried to gut the very fundamental right to strike. The balance between labor and management in collective bargaining has begun to shift against workers. This begins to explain why working Americans have suffered a 6-percent decline in weekly wages during the last 10 years.

Opponents of this bill charge that we are giving workers a blank check, encouraging them to strike, and endangering our Nation's ability to compete abroad. Nothing could be further from the truth. Any worker will tell you that going out on strike is a last resort. Loss of wages and benefits can devastate a working family. Moreover, this bill applies only to organized workers, responding to business concerns that unorganized workers could walk off the job over an unclear issue and have no clear bargaining agent to negotiate with an employer.

In almost every industrialized country, the right to strike is recognized as a basic workers' right. If Germany and Japan can protect their workers from being permanently replaced and remain competitive in the global marketplace, surely we can do no less here.

Mr. PORTER. Mr. Chairman, to protect the interests of striking workers and employers alike, our labor laws have maintained a clear and consistent distinction between two types of striking workers: Those who walk off their jobs due to an employer's abusive labor practices—an unfair labor practices strike—and those who voluntarily strike for higher pay or increased benefits—economic strike.

For more than 50 years, the distinction between unfair labor practice disputes and economic strikes has been considered so essential to fair and balanced labor relations that, until recently, it had never been questioned—even by organized labor.

But a bill now before Congress banning permanent replacements (H.R. 5) would eliminate this distinction, dismiss any notion of equitable bargaining terms, and grant unions unlimited leverage during strikes and bargaining.

Because strikers in an unfair labor practice dispute have been forced to the picket line by an employer's illegal practices, they are guaranteed immediate reinstatement with full benefits after the strike is over. Current law recognizes that an employer who violates employees' legal rights should not be able to continue business as usual while operating outside the law.

When organized labor does resort to the economic strike, current law already prohibits discrimination based on union membership, mandates preferential rehiring of returning strikers with full benefits as vacancies occur, and makes illegal any promised preferential treatment of prospective employees.

But in an economic strike, such as a strike for higher pay, the law also recognizes that an employer who has not broken the law—who simply disagrees with the unions economic demands—has the right to try to stay in business by hiring replacement workers. To attract such replacements, it is often necessary to offer permanent replacements. However, when a company does bring in permanent replacements, it is prohibited from offering them a better deal than it offers the strikers at the bargaining table.

Current law is intended to discourage every dispute from triggering a strike. When union members voluntarily walk away from $38,000-a-year production jobs in Maine, or $98,000-a-year jobs as pilots, or $200,000-a-year jobs as professional football players, they know that there is a substantial risk that other workers might find such pay acceptable.

Thus an economic strike is a calculated risk on the part of the union. A union striking for economic demands, that may or may not be reasonable, should not be afforded the same immunity to risk of replacement given to workers whose legal rights have been violated by their employer.

Under the provisions of House Resolution 5, Representative WILLIAM CLAY's legislation, unions would no longer have to weigh the risks of job loss against the reasonableness of their economic demand. Under this proposal, strikers making any economic demand, no matter how outrageous, would have the same right to automatic reinstatement after the strike as workers protesting an employer's unfair labor practices.

A permanent replacements ban would abolish the mutual risk faced by opposing sides in an economic strike—the important mutual risk that pressures both management and labor to-

ward compromise and conciliation, and makes both sides think twice about demands or policies likely to precipitate a strike.

The measure does not purport to correct some loophole or address a pervasive problem. Two General Accounting Office reports have shown that permanent replacements are used in only 15 percent to 17 percent of strikes, and affects less than 4 percent of all strikers.

The infrequency with which employers have exercised the option to replace workers illustrates the balance of mutual risks under current law, which helps bring unioins and management closer to reconciliation and continued productivity.

What the proposed legislation would do is allow unions to engage in no-risk economic strikes at a time when 73 percent of all Americans—according to a recent Time/CNN poll—believe that organized labor has either too much or just the right amount of power.

Disproportionate leverage for either management or labor is just bad public policy, and the proposed permanent replacements ban represents an unjustified shift of power to labor's side of the bargaining table.

Strikes have always been an option of last resort. If enacted, this legislation would make them the first.

For these reasons, Mr. Chairman, it is crystal clear that passage of this legislation into law would undermine the competitiveness of the American economy at exactly the time when it needs to be its strongest.

Let us hope that the defeat of this measure will mark the termination of a century of labor-management strife in America and both sides will turn toward the increased cooperation and partnership between them necessary to meet and exceed the tough international competition that we face.

Mr. EDWARDS of California. Mr. Chairman, the legislation we will vote on today will not grant any additional rights to union workers. It will only ensure that one of the most important labor rights, the right to strike, is preserved. That is why I rise today in strong support of H.R. 5.

Over the past 10 years, we have seen a dramatic shift in the balance of power between labor and management. Since President Reagan's decision to fire the air traffic controllers in 1981, it has become acceptable for management to permanently replace striking workers. This has had a destructive effect on the collective-bargaining process as employers have been reluctant to negotiate in good faith when they know they can simply hire new workers if they can force a strike.

H.R. 5 would give meaning to the right to strike guaranteed by the Federal Government. Although the law says that a worker cannot be fired for going on strike, the law also says that an employer is free to hire new permanent employees. H.R. 5 would get rid of this contradiction by clearly stating that employers do not have the option of hiring new employees in the event of a strike.

Finally, it is said that H.R. 5 is anticompetitive, yet the opposite appears to be true. According to the Library of Congress, among the industrialized nations, only Great Britain and certain Canadian provinces allow the hiring of permanent replacement workers. If Japan and Germany can compete in the global marketplace using replacement worker prohibitions, then I believe the United States can also compete with a similar law in place. I urge my colleagues to join me in supporting H.R. 5.

Mr. GEJDENSON. Mr. Chairman, I rise in support of H.R. 5, the Workplace Fairness Act, and urge my colleagues to join me in voting for this important legislation.

Let's get a few things clear about the Workplace Fairness Act. First of all, it's illegal to fire a worker for engaging in union activity. So what is the difference between being fired and being permanently replaced? The law permits the striking worker to be permanently replaced. This loophole must be closed if America's working men and women are to have a viable option for action if their employers fail to bargain in good faith. Unless we close the loophole, there is no incentive for management to negotiate with workers who have no effective economic tools at their disposal.

While protecting the effectiveness of the right to strike, the Workplace Fairness Act also provides for businesses to keep their operations going by hiring temporary replacements. But it is integral to the balance of labor-management relations that when a strike is settled, workers can return to their jobs.

The decision to strike is not an easy one for America's working men and women. A strike means serious hardship, loss of income, strains family savings in order to pay their obligations, and causes tensions that hurt family relationships. It can take years to recoup these financial losses. Protecting the negotiating value of the right to strike will not make strike conditions easier for America's working families, and I reject the notion that the Workplace Fairness Act encourages strikes.

Passage of H.R. 5 will ensure the fairness and effectiveness of collective bargaining. H.R. 5 protects the rights of workers to negotiate for fair wages and safe working conditions. The bill also protects the rights of employers to hire temporary replacement workers during a strike in order to remain a viable business enterprise.

Support good labor-management relations and fairness in the workplace. Support H.R. 5, the Workplace Fairness Act.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 5, the Workplace Fairness Act. This bill proposes to amend the National Labor Relations Act and the Railway Labor Act to prohibit employers from hiring permanent replacements for workers who are striking over economic issues as well as prohibiting employers from giving any employment advantage to a striking worker who crosses a picket line to return to work before the end of a strike.

The administration remains convinced that H.R. 5 would be detrimental to America's economic health. However, this bill, if passed, will improve both the standard of living for American workers and the competitiveness of American industry. Working Americans—union and nonunion alike—have suffered from declining wages over the last decade. Real weekly wages have dropped almost 6 percent, in part as a result of strengthened management position in the last 10 years. That stronger hand has led to a much more unfair distribution of income in this country. One of the reasons for the decline in wages is that employers have more frequently resorted to hiring permanent replacements for strikers, dragging down the wages of all workers, whether union or nonunion.

During the same period in which U.S. real wages fell, the American competitive position in the world market simultaneously deteriorated, resulting in a huge deficit today. Our major trading partners have pursued a policy of raising wages and maintaining a stable and cooperative relationship between management and labor, a relationship which they have used to sharpen their competitiveness in the world economy. All our major trade competitors, including Japan and Germany, prohibit the use of permanent replacements for strikers, believing that such a policy encourages a less contentious labor-management relationship. Our competitors' experience proves that businesses do not need the permanent replacement weapon to succeed.

The administration also suggests that H.R. 5 would destroy the economic balance between labor and management in collective bargaining. They claim that the employee's risk of permanent replacement is balanced by the employer's risk that a strike will threaten productivity and profits. They argue that this balance of risks promotes the settlement of collective bargaining disputes.

Mr. Chairman, contrary to this view, I believe that there is no balance in these relative risks. Once an employee is on strike, he or she loses pay, benefit accruals, health care coverage, expenses for food, mortgage and car payments, tuition, medical bills, and so forth. It makes no difference if the striker is replaced or not. On the other hand, the employer's well-being is unaffected and employers are also permitted to replace all of the strikers for the duration of the strike. I believe the only real equivalent of the strikers' permanent replacement would be forcing the employers to permanently cease operation.

H.R. 5 is needed because whether a negotiation results in a strike or not, the threat or permanent replacements always skews the process. A recent GAO study found that in 35 percent of all strikes the use of permanent replacements was expressly threatened and in 17 percent of the strikes the threat was carried out. This study further indicates that unions and employers are in agreement that the use of permanent replacements has grown in the eighties.

Workers view a strike as a weapon of last resort. Strike means no paycheck and personal and family hardships. Therefore, enactment of this bill will in no way increase the willingness of workers to strike. On the other hand, employers can continue to operate during strikes without permanently replacing workers through a variety of options. They can hire temporary replacements, use supervisory and management personnel, transfer or subcontract work, or stockpile in advance of a strike.

This bill provides equal protection for all workers. It protects those who choose to strike from being permanently replaced or otherwise disadvantaged due to an employer's preference for those who did not strike. Workers who choose not to strike are equally free to do so. Furthermore, this bill does not require em-

ployers to reinstate strikers who engage in violent tactics. It only applies to workers who engage in lawful economic strikes.

I am proud to be a cosponsor of this important legislation along with my distinguished colleagues. When you vote today, please vote in support of H.R. 5.

Mr. SCHEUER. Mr. Chairman, I rise to oppose the gentleman from Pennsylvania's amendment and to strongly support H.R. 5, the Workplace Fairness Act, which I believe greatly enhances the National Labor Relations and the Railway Labor Acts.

I am proud to be a cosponsor of H.R. 5 because I believe it goes a long way toward rectifying an imbalance in the negotiating power of management and labor that has developed since the enactment of these acts in 1935 and 1926, respectively.

Currently, under the NLRA and RLA, striking workers are not protected from permanent replacement. When a strike is over economic issues, such as wages or working conditions, employers can simply hire new workers, giving them the strikers' jobs, permanently. At the conclusion of such a strike, the striking workers must settle for, at best preferential consideration for new positions that open up in the future.

Strikers and court decisions of the past decade have demonstrated that these provisions must be updated.

In its TWA decision of 1989, the Supreme Court opened the door for crossover employees—that is, striking workers who cross the picket line and return to work—to displace other workers who continue to strike, even when they have more seniority.

The 1985 Continental and 1989 Eastern Airline strikes showed how an employer—in these cases Frank Lorenzo—can cut wages and eliminate benefits, and, when its workers strike in protest, completely replace them with permanent nonunion labor.

The pilots, flight attendants, and machinists were ready to accept some cuts, but when faced with wholesale elimination of benefits, exercised their right to strike. In return, they found themselves out of their jobs—permanently.

Passage of H.R. 5 would return this skewed bargaining relationship to balance by prohibiting the hiring of permanent replacement workers. Employers would still be able to hire temporary workers during a strike to stay in operation, but at the strike's conclusion, striking workers would regain their jobs.

The Goodling amendment, by allowing employers to hire permanent replacement workers after 8 weeks, effectively limits strikers' right to strike to less than 2 months.

With the exception of Britain, none of our fellow industrialized nations—Belgium, Canada, France, Germany, Greece, Italy, the Netherlands, Sweden, and Japan—allow employers to hire permanent replacement workers in strike situations.

That is why I believe provisions such as those in H.R. 5 are long overdue, and I must vote against the Goodling amendment.

Mr. FEIGHAN. Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act of 1991.

What we are trying to accomplish today can be summed up in one word: fairness.

We need to restore fairness to the labor-management relationship. In 1935, the National Labor Relations Act established rules that placed labor and management on equal footing during contract disputes. It unequivocally guarantees the right to strike.

For nearly 50 years, fairness prevailed and the right to strike was recognized by all. That is, until some firms, encouraged by the antilabor stance of the Reagan administration, took advantage of a loophole in the law and hired permanent replacement workers to break strikes.

The threat of permanent replacement has been held over the negotiating table. Faced with this club, labor negotiators often had no choice but to make concessions and to give in to unreasonable demands of management.

Mr. Chairman, the right to strike is a fundamental American right. It is the critical means of leverage that workers have when management doesn't act in good faith at the negotiating table. Without the right to strike, the deck is stacked against labor.

Opponents of this bill will tell you that without it, labor still has the right to strike. They are wrong. Opponents will say that permanently replacing striking workers isn't the same thing as firing them. They are wrong. It is an insult to millions of hard-working Americans. And it is wrong.

Mr. Speaker, most managers and executives are honorable and fair and go to the bargaining table in the best of faith. I know many who deeply respect their workers. Most companies don't use the bully tactics of wielding the threat of striker replacement during negotiations.

But there are still a few Frank Lorenzos out there. And there will be more Frank Lorenzos if the law stacks the deck against American workers.

America doesn't need our entire industry to go the way of Eastern Airlines. America needs the Workplace Fairness Act. Workers with rights and the pay and health care they deserve are good workers. And good workers increase productivity. For that, the entire country is better off.

Mr. Chairman, this debate isn't about the well-being of labor. It's about the well-being of all America. I strongly urge all my colleagues to vote yes on this bill.

Mr. COSTELLO. Mr. Chairman, I rise today in strong support of H.R. 5, the Workplace Fairness Act of 1991.

This legislation seeks to address a basic, underlying fault in the National Labor Relations Act of 1935 and also in the Railway Labor Act of 1928, bills which sought to instill some balance between labor and management regarding the collective-bargaining process. This law allowed workers to use their ultimate leverage—their job—to join collectively and strike for improved working conditions and safety standards from their employer.

The right to strike has allowed employees to fight for these improvements without an employer threatening their jobs, as the right to strike without fear of job loss was guaranteed. A 1938 court decision, NLRB versus Mackay Radio, did however allow employers to continue their business by hiring permanent replacements during a strike.

This provision was rarely used until the 1980's, when several large corporations used the Mackay decision to ignore an employee's right to strike by hiring permanent replacement workers. Throughout the last decade, we have seen management use this option to avoid participating in the collective-bargaining process. If anyone doubts the effectiveness of this provision, one needs only look at the Nation's air traffic controllers, who were fired in 1980 by President Reagan and permanently replaced. Many of those fired in 1980 have never been rehired by the Federal Government.

Mr. Chairman, this bill is necessary to restore confidence in the collective-bargaining process. It is unfortunate that a few employers are turning this provision into a threat to intimidate labor unions from striking, and it clearly is being used more and more as a tool by some companies to force labor's hand during negotiations.

H.R. 5 would prohibit employers from hiring permanent replacements for workers who are striking over economic issues, such as wages, benefits, and working conditions. The legislation also forbids employers from giving any advantage to a striking worker who crosses a picket line to return to work before the end of a strike.

This legislation is essential to restoring the necessary balance between labor and management for the collective-bargaining process. Its passage will ensure that honest, straightforward negotiations can go forward without a high degree of suspicion on either side. Working men and women in America continue to see a decline in their wages, and any continuation of the use of permanent replacements will only erode further the position of hard-working Americans.

Mr. MFUME. Mr. Chairman, during the 1980's real average weekly wages decreased. At the same time, America's competitive advantage in the world economic market deteriorated and precipitated our trade deficit and imbalance today.

While some pundits may argue that the wage decrease was due to managements strengthened position at the negotiating table, I am far less concerned about affixing the blame than I am at finding a reasonable solution to this prevailing problem.

Most of our major trading partners have pursued policies which increase wages and maintain a cooperative relationship between management and labor. Such policies are inextricably linked to their surge in competitiveness and international market strength. Both Japan and Germany prohibit the use of permanent replacements for striking workers, believing that such policy encourages a less contentious labor-management relationship.

H.R. 5 amends the National Labor Relations Act and the Railway Labor Act to prohibit employers from hiring permanent replacements for workers who are striking over economic reasons such as wages, benefits, and working conditions. Additionally, H.R. 5 prohibits employers from giving any employment advantage to a striking worker who crosses a picket line to return to work before the end of a strike.

Mr. Chairman, the Workplace Fairness Act can help our Nation restore a fair balance between labor and management, and will improve both the standards of living for American workers and American competitiveness.

Mr. Chairman, an employee's right to strike is the strongest weapon they have in the collective-bargaining process. If employers continue to be allowed to hire permanent replacements, workers risk losing their jobs every time they participate in a wage strike. It is time to close the loophole in Federal law that prohibits employers from firing striking workers, but allows employers to permanently replace striking workers.

This loophole has existed for a little over 50 years, but during the 1980's—starting with the air traffic controllers—employers began using permanent replacements pervasively.

Employers can operate during strikes without permanent replacements. Many options exists for employers such as hiring temporary replacements, using management and supervisors to run an operation, subcontracting or transferring work prior to a strike and so on.

A workers right to reinstatement must be upheld and H.R. 5 is the vehicle to carry out a policy that will advance the interests of the American worker and American competitiveness.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute consisting of the text printed in part I of House Report 102-152 shall be considered as an original bill for the purpose of amendment and shall be considered as read.

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

H.R. 5

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

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or", and

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

"(6)(i) to offer, or to grant, the status of a permanent replacement employee to an individual for performing bargaining unit work for the employer during a labor dispute between the employer and the labor organization that is acting as the collective bargaining representative involved in the dispute; or

"(ii) to offer, or grant, an individual any employment preference based on the fact that such individual performed bargaining unit work, or indicated a willingness to perform such work, during labor dispute over an individual who—

"(A) was an employee of the employer at the commencement of the dispute;

"(B) in connection with such dispute has exercised the right to join, to assist, or to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection through the labor organization that is acting as the collective bargaining representative involved in the dispute; and

"(C) is working for, or has unconditionally offered to return to work for, the employer.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end the following:

"(b) No carrier, or officer or agent of the carrier, shall—

"(1) offer or grant the status of a permanent replacement employee to an individual for performing work in a craft or class for the carrier during a dispute which involves the craft or class and which is between the carrier and the labor organization that is acting as the collective bargaining representative involved in the dispute; or

"(2) offer or grant an individual any other employment preference based on the fact that such individual performed work in a craft or class, or indicated a willingness to perform such work, during a dispute over an individual who—

"(A) was an employee of the carrier at the commencement of the dispute;

"(B) in connection with such dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through the labor organization that is acting as the collective bargaining representative involved in the dispute; and

"(C) is working for, or has unconditionally offered to return to work for, the carrier.".

The CHAIRMAN. No amendment to said substitute shall be in order except those amendments printed in part II of House Report 102-152. Said amendments shall be considered in the order and manner specified in said report, shall be considered as having been read, and shall not be subject to amendment except as specified in said report. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

It is now in order to consider amendment No. 1 printed in part II of House Report 102-152.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PETERSON OF FLORIDA

Mr. PETERSON of Florida. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. PETERSON of Florida: Strike all after the enacting clause and insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or", and

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

"(6) to promise, to threaten, or to take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 30 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed, or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end the following: "(b) No carrier, or officer or agent of the carrier, shall—

"(1) offer or grant the status of a permanent replacement employee to an individual for performing work in a craft or class for the carrier during a dispute which involves the craft or class and which is between the carrier and the labor organization that is acting as the collective bargaining representative involved in the dispute; or

"(2) offer or grant an individual any other employment preference based on the fact that such individual performed work in a craft or class, or indicated a willingness to perform such work, during a dispute over an individual who—

"(A) was an employee of the carrier at the commencement of the dispute;

"(B) in connection with such dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through the labor organization that is acting as the collective bargaining representative involved in the dispute; and

"(C) is working for, or has unconditionally offered to return to work for, the carrier.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GOODLING AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PETERSON OF FLORIDA

Mr. GOODLING. Mr. Chairman, I offer an amendment in the nature of a substitute as a substitute for the amendment in the nature of a substitute.

The CHAIRMAN. The clerk will designate the amendment in the nature of a substitute offered as a substitute for the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. GOODLING as a substitute for the amendment in the nature of a substitute offered by Mr. PETERSON of Florida: In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. RESTRICTION ON HIRING DURING ECONOMIC STRIKE.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or", and

(2) by adding at the end the following:

"(6) to hire or to threaten to hire permanent replacement workers during the first eight weeks of an economic strike.

Nothing in paragraph (6) shall be construed to prohibit an employer from permanently replacing an employee—

(A) who engages in violence or threats of violence; or

(B) who secures employment equivalent to that which the employee held prior to such strike.".

SEC. 2. VOTING BY STRIKING EMPLOYEES.

The second sentence of section 9(c)(3) of the National Labor Relations Act (29 U.S.C. 159(c)(3)) is amended by striking "twelve months" and inserting "eighteen months".

SEC. 3. SECRET BALLOT.

Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) to call for an economic strike unless a simple majority of the employees voting in the bargaining units vote by secret ballot to conduct such strike.".

SEC. 4. SPEEDY PROCESSING OF UNFAIR LABOR CASES.

It is the sense of the Congress that the National Labor Relations Board should give first priority and use the utmost speed to process unfair labor practice cases that involve the reinstatement of strikers who have been permanently replaced.

SEC. 5. EVALUATION AND IMPROVEMENT OF NATIONAL LABOR RELATIONS BOARD.

It is the sense of the Congress that the President should appoint an Executive Commission on Reform of the National Labor Relations Board to recommend to the President and the Congress, within one year of its appointment—

(1) statutory changes to the procedures for filing vacancies of National Labor Relations Board members, and changes in the number of Board members authorized by the National Labor Relations Act;

(2) changes in the number and functions of personnel at the National Labor Relations Board;

(3) internal procedural changes within the National Labor Relations Board to decrease or eliminate delays in processing cases;

(4) appropriate increases in Federal funding for the National Labor Relations Board so that it may better carry out its mission; and

(5) changes to the National Labor Relations Act which will provide expedited relief for certain complaints and actions brought under the Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair would inquire, what Member will control the time in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING]?

Mr. FORD of Michigan. Mr. Chairman, I will be controlling the time.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

□ 1430

Mr. Chairman, first of all I want to thank my chairman of the Committee on Education and Labor because without my chairman of the Committee on Education and Labor's support I would not be here offering this today.

Mr. Chairman, I offer this amendment, or the substitute, for several reasons. First of all, 6 or 7 months ago when I met with my labor leaders and rank-and-file in labor, we met in order to talk about H.R. 5. At that time I told them that H.R. 5, in my estimation, could not become law and probably should not become law, because it does not do what they want it to do to help them; that it may have the opposite effect; that if they are interested in something beyond confrontation, if they are interested in something other than an issue, I would be very happy to try to work out a substitute that would meet the needs that they are talking about.

So, first of all, I ask them to tell me what their problems are, what do they see that is wrong at the present time. The first thing, of course, that they mentioned is air traffic control firing. I tell them immediately that is not the issue, that has nothing to do with H.R. 5.

Now let us discuss what you see are the problems with the present National Labor Relations Act as far as the private sector is concerned.

No. 1, they say that some employers, some employers, line up replacements before there is even a strike. They have the file right there, they have the applications, they may have even spoken to them about being replacements.

I said, if that is a problem and I would be the first to admit there probably are some unscrupulous people on both sides of this issue who would do something like that, we will control that by first of all saying that they cannot hire permanent replacements during the first 8 weeks of a strike.

Now, why do I make that offer? Because, as I said earlier, the purpose of this act is to bring both sides together at the negotiating table, solve their problems without a strike, without confrontation. So, by having this 8-weeks' period, it brings them and forces them to that negotiating table and how they know they will really have to get down to business, down to brass tacks.

They said that the second problem that they have is that some unscrupulous companies may use this as a way to get rid of the unions, they want to break the unions.

I say, well, I would offer them in response to that 18 months, when you as a replaced striker will continue to participate, not the 12 months that you are guaranteed now, but 18 months. It seems to me that should certainly take away any enthusiasm on the part of some who may be unscrupulous in management to try to break the union.

The third concern that they had dealt with the lack of speed in which their issues before the National Labor Relations Board are handled. And I do not think there is anyone in Congress who does not believe that we should do something to expedite this process.

I indicated to them that we would have included in my substitute legislation that would call for a sense-of-Congress resolution because I could not go into the legislative process, indicating that we want this process speeded up because we can eliminate many of the problems probably if it is speeded up.

Added to that, Mrs. ROUKEMA had what I think is an excellent addition, where we would have a sense-of-Congress resolution that the President will appoint a commission to immediately study what those problems are. Now, if you talk to the general counsel, they will say it is the NLRB, and if you talk to the Board, they will say it is general counsel who is causing all the problems. They report back then within a year to the Congress of the United States what are these problems so that we can intelligently look at them and discuss what the remedies are.

So I believe by coming up with that substitute, we can solve the problems that are perceived to be there. I say "perceived" because, of course, I know about Eastern Air Lines and, of course, I know about Pittston and, of course, I know about Greyhound. All of them were stupid in the manner in which they handled the problem. As a matter of fact, most of those are out of business. Pittston, in the last quarter, was losing its shirt, or losing their shirts, whichever is proper. So there is no question that there are those kinds of problems.

I offer my substitute because of my concern not for the leadership of those companies but for my concern of what happened to the laborers and their families because the situation was not handled and was not handled quickly, as it should have been.

So I believe, on balance, I have offered what will eventually have to be the direction we are going to go because I still believe that H.R. 5 in its present form, and above all with the substitute that will be put to it, will never become law. Then we have not helped anybody, we have just had another one of those great exercises and debate on the floor of the House that accomplished nothing for the people we want to try to help.

So I would hope that you would look at the substitute carefully and that you would realize that if we truly want to help the people, if we truly want to help laborers, we want to then make sure we bring about this healing process in such a manner that people are not hurt, labor or management, over a long period of time, so that no matter

what the end result may be they can never get back what it is they have lost.

Again, 8 weeks before you can think about hiring a permanent replacement. Now, somebody may say, "Well, gee, they may promise this temporary employee that 'We are going to hire you temporary but you are going to be permanent at the end of 8 weeks.'"

Boy, is that company in trouble. What a foolish move that would be. Some may be foolish enough to try it, but, boy, will they be burned in the long run.

Keep in mind that in recent years, because of the whole competitiveness issue, labor and management, with few exceptions, have been working more closely than ever in the history of this country because they understand labor cannot survive without management, management cannot survive without labor.

So with my substitute, I believe we fine-tune the series of laws that work very effectively but must be fine-tuned to deal just with the issues now and in the near future. The cooperation between labor and management just positively has to grow. The survival of our country depends on that. They know that. The competition is so great that we just cannot lose to other countries because we cannot solve things peacefully and that we cannot have all sides become successful in the negotiating process.

So, again, I would ask that you look carefully at the substitute before you reject it out of hand. Let me just make one last observation.

In our conference today, a gentleman got up and said, "All of labor hates your substitute; all of management hates your substitute." I think what he was saying, "You must be an idiot. Since everybody hates your substitute, why are you offering it?"

□ 1440

Mr. Chairman, of course all of labor hates my substitute, if they cannot get H.R. 5, which I say they cannot get. I ask, "Why wouldn't you want the whole loaf if you could possibly get it?" And of course all of management hates my substitute because they do not want any changes.

So, I realize. I am not naive. I can count. It will be embarrassing because my newspapers will say, "Goodling only gets 60 votes," or whatever the amount on each side is, but I say, "Come back 5 years from now, and Goodling won't look so stupid, and perhaps he will have given some answers to the problems that are facing us that will help us resolve the problem in a peaceful manner."

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take this time first to assure the Chair and the House of my continuing admiration for the hard work that the ranking Republican on the committee does, the gentleman from Pennsylvania [Mr. GOODLING]. I know how he has agonized over this issue. We have discussed it many times, and I want to tell my colleagues that I believe that he is proceeding with his amendment out of the best of motives, and what he just said on the floor is what he truly believes.

I wish, as a matter of fact, that I was in a position to work it out just a little bit further with him so that I could support this amendment. He has some positive points in his substitute. The first and foremost is that the substitute recognizes the need to change the labor relations law to provide some protection, in this case limited, but some protection for workers who strike, so that settles that argument at the outset. Protecting workers for 8 weeks in the Goodling amendment sounds good because it is better than nothing, except that I am afraid that, like cooling-off periods, what that means is that everybody would be encouraged to sit back and do nothing for 7 weeks and 6 days and then finally rush to the table in the last day.

More importantly, Mr. Chairman, the Goodling substitute would give replaced workers something that they do not now have in extending from 1 year to 18 months the time when permanently replaced workers are eligible to vote on a decertification election, so it would take at least 50 percent as much time to replace a union using this tactic as it does now.

In addition, more importantly the Goodling amendment, and we would all join in this, calls for the National Labor Relations Board to use the utmost speed to process unfair labor practice cases that involve the reinstatement of strikers that have been permanently replaced. We applaud that, and, if we are successful in passing H.R. 5, I will work with the gentleman from Pennsylvania [Mr. GOODLING] hereafter in this Congress, or in the next one, if necessary, to add that to what we are doing in H.R. 5 because it is a laudable idea, and it is something we ought to be doing.

I wish, as I said, that we had come together during these discussions, but I want to make it clear on the public record that in opposing the amendment of the gentleman from Pennsylvania [Mr. GOODLING] I do not oppose Mr. GOODLING's motives or his efforts to find a solution to this problem. I hope that the Senate will give full consideration to the anguish that he, and even those of us on this side, have gone through trying to find an accommodation for our colleagues, and will act accordingly.

First, it is commendable that the substitute recognizes the need for change in the law and does provide some limited protection for workers who strike.

Positive points in the substitute: Protect workers who strike for 8 weeks, extends the period that permanently replaced workers are eligible to vote in a union election from 1 year to 18 months; and calls for the National Labor Relations Board to "use the utmost speed to process unfair labor practices cases that involve the reinstatement of strikers who have been permanently replaced."

Second, unfortunately the substitute does not go far enough. The limitation of 8 weeks on the prohibition against permanent replacement of strikers will frequently encourage employers to prolong strikes to last 8 weeks, because only then will they be able to permanently replace their employees. An employer need only wait 8 weeks to retain its current ability to permanently replace the strikers. The amendment would only slightly limit the current damage to labor relations of the Mackay doctrine. The requirement of secret ballot strike vote before workers can lawfully strike is an unfair infringement on the democratic rights of union members. Many unions have such requirements in their constitutions. These requirements were duly voted on by the union membership. It is not appropriate for Congress to dictate to workers how they should run their unions.

We do not place any similar requirements on employers. An equivalent provision on an employer might be a requirement that all stockholders approve by a two-third vote management's final contract offer to the union.

Mr Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I, too, greatly respect the gentleman from Pennsylvania [Mr. GOODLING], but I do want to dissent from one thing he said. He indicated that he thought labor and management are working more closely today than ever before. That certainly is not the view from where I sit. When I grew up, we did have, I think, an era of good feeling between organized labor and management. I think in the 1980's it came to an end, and I am for this bill because I think it helps to restore incentives to settle rather than continuing incentives to fight, and I think there is no incentive to settle unless the pain of a strike is equally distributed on both sides of the bargaining table. And I think this bill helps to redistribute that pain just a bit.

However, Mr. Chairman, my main purpose in coming here today is to discuss the context in which this bill is being debated. Opponents talk about this bill as though we are abandoning something which has achieved great balance and fairness. The fact is we have had just the opposite in the 1980s. In the last 12 years we have had the greatest economic imbalance in this country of any decade since the 1920s.

Here is what I mean: From 1980 through today the richest 1 percent of people in this country have had their incomes almost doubled, from $300,000 to about $550,000 today. Meanwhile a worker at exactly the middle of the income stream in this country has seen

his wages decline by more than $1,000 in real-dollar terms, in purchasing power.

In 1960 the chief executive officer of the 100 largest corporations in this country, nonbanking corporations, on average earned 12 times as much as the average worker in their plant. Today that same CEO on average earns 72 times as much as the average worker in that plant. Since 1980 the income of the richest 1 percent of people in this society has increased by more than the income for 90 percent of American families combined. I ask if we can call that a balanced outcome.

Mr. Chairman, If you take a look at the richest 1 percent of people in this country today, 2½ million people, last year they made $565 billion. That is more than the combined incomes of 40 percent of all Americans, over 100 million Americans. That is the context in which we are addressing this bill. We are addressing it at a time when the average worker in this society, the average wage earner, has lost, in real-dollar terms, more than $1 an hour in the purchasing power of his wage.

Now this bill is not going to solve all of those problems obviously. We need more productivity increases. We need more training. We need more education. We need more investment to do that. But what this bill does is to help in a very small degree restore some sense of balance, some sense of equal power at the bargaining table, and I do believe that that will help contribute to a more fair outcome, and I do believe it will help contribute to an incentive on both sides to settle rather than to fight.

The other point I would like to raise is that some people are saying,

Isn't this terrible? This bill sets up one set of rules for unionized workers and another set of rules for other workers.

I would point out that we cannot have it both ways. That is done in the amendment of the gentleman from Florida [Mr. PETERSON] in order to accommodate business interests who are objecting because of the lack of clarity, who did not want nonunion labor to be covered. So, I do not think the business community can have it both ways.

Mr. Chairman, I urge my colleagues to support the bill and oppose the amendment.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act, and against the substitute of the gentleman from Pennsylvania [Mr. GOODLING], and I particularly would like to commend the outstanding efforts and leadership of both the gentleman from Michigan [Mr. FORD] and the gentleman from Missouri [Mr. CLAY] on this very, very important legislation to the rights of the American worker and basic fairness in the workplace.

How can anyone pretend there is a right to strike in America when you can lose your job the first day by the calculated decison of an employer to bring in replacement workers permanently.

Is the right to strike now analogous to the right to starve or the right to wander the streets homeless?

Opponents of this moderate, common sense, and fair legislation today have said there is a right to strike but no right to a successful strike.

This legislation, however, does not mandate a result. It does restore fairness.

This legislation will not restore the jobs of thousands who have been treated like disposable fodder. But it will prevent such travesties in the future.

As to the pending substitute, I understand and commend the gentleman and commend the gentleman from Pennsylvania [Mr. GOODLING] for his spirit of compromise and being so positive for offering this amendment, but in reality it is a strike breaking or extending amendment, not not a strike-settling provision.

Can my colleagues imagine the pressures on the union to settle in 8 weeks or get thrown overboard forever?

Vote no on Goodling, yes on H.R. 5.

□ 1450

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the Goodling substitute as a reasonable compromise position on H.R. 5 that will not unduly burden either labor or management by creating an 8-week moratorium on hiring permanent replacements, or threatening to do so, after the beginning of an economic strike.

While I am very much opposed to H.R. 5, I believe that we are facing intractable problems in labor-management relations which can be addressed in part by the approach my colleague Congressman GOODLING takes to the issue of permanent replacement. The Goodling substitute allows the strike decision to be taken without undue pressure by the threat of permanent replacement, and in all other respects allows current law to operate after the 8-week period. This is a sound solution that offers employees real relief while keeping very much intact business' ability to operate during an economic strike.

The Goodling substitute is fair to employers and fair to business. It achieves the important goal of retaining the balance of power at the collective bargaining table, by giving protection from immediate permanent replacement while at the same time allowing business to continue operations during an economic strike after the 8-week moratorium has expired.

Both Mr. GOODLING and I have been working on solutions to the delays in adjudicating employee and employer rights at the National Labor Relations Board, and in addition the Goodling substitute includes my sense of the Congress resolution that the President should appoint a commission to reform the National Labor Relations Board. We will never make any progress in restoring balance to the collective bargaining process until we eliminate case-processing delays at the Board which are jeopardizing the integrity of the National Labor Relations Act.

These delays have done much to contribute to preceived injustices of employees in surcuring the otherwise fair and equitable remedies available under current law when such workers are permanently replaced. After careful review of this issue, I have concluded that case-processing delays at the Board—whatever their genesis—have resulted in organized labor's seeking the wholesale change in the law governing permanent replacement presented by H.R. 5. If current remedies for unfair labor practices by an employer were readily and speedily available to replaced workers, namely immediate reinstatement and back pay, I do not believe we would be facing H.R. 5 as an issue of abiding concern to organized labor.

Therefore, I believe we must shift the focus of this debate from one of overturning 53 years of settled labor law first articulated in the Mackay Radio decision and subsequent case law to solving readily apparent problems with the administration of justice under the National Labor Relations Act. We must make the current system work for employees and employers.

These delays have one result: Our labor laws do not protect the rights of employees or employers. For example, on April 23, 1991, the case of *NLRB* v. *Mountain Country Food Store, Inc.*, CA No. 90-1385, the Eighth Circuit Court of Appeals castigated the Board for extraordinary delay in processing a case and learned that the agency failed to offer any explanation for its sloth-like pace. The court termed the delay inexcusable and unfortunate, and further that enforcement of the Board's original order had become pointless and obsolete because of a delay of 7 years between the issuance of an administrative law judge's opinion in November 1982 and the Board's releasing of its own opinion in February 1989. In the meantime, noted one judge, the original handbilling dispute had become moot, since the union no longer existed, no longer represented company employees, and no longer carried any legal interest in a dispute which took place so long ago.

Several other Board decisions have been recently rejected on appeal be-

cause of inordinate delays rendering the initial dispute moot, and the Board's orders unenforceable. I want to remaind my colleagues that these are no merely dry legal cases. There are real people behind these cases—people with legitimate grievances which were lost—not to the merits of the law, but to the obdurate inability of the Board to carry out its mission to render justice where it is required. The Congress can not sit idly by while employee and employer rights continue to languish unenforced. We must get to the bottom of these problems, assign and implement solutions. The old adage, justice delayed is justice denied," has particular meaning here.

Even the General Accounting Office has studied Board case-processing delays and concluded that major changes need to be made. In its 1991 report, "Action Needed to Improve Case Processing Time at Headquarters," the GAO gave a detailed analysis of the reasons for these delays, and the types of cases most often relegated to inaction.

The report found that in 1984 through 1989 median case-processing times were generally the highest in the Board's history, with the exception of representation cases. Seventeen percent of all cases appealed to the Board took more than 2 years to be decided from 1984 through 1989. The NLRB's 33 regional offices resolve the vast majority of cases within 1 year. About 5 percent of the cases—between 900 and 1,900 annually during the 1980's—are forwarded for review to the five-member Board at NLRB headquarters. In the period between 1984 and 1989 the Board decided about 67 percent of the 5,000 cases appealed to it within 1 year from the date the case was assigned to a Board member. However, about 10 percent of the cases took from over 3 years to more than 7 years to decide.

Between 1984 and 1989, the medians for unfair labor practice cases ranged from a low of 273 days to a high of 395 days—between two and three times higher than medians in the 1970's. The median time to decide unfair labor practice cases in fiscal 1989 was 300 days. This was substantially higher than at the start of the decade. Also, 21 percent of the unfair labor practice cases decided in fiscal year 1989 had been at headquarters more than 2 years.

The GAO stated that many case-processing problems at the Board can be traced to the fact that the Board has no standard for the total length of time it considers acceptable for a contested case to be before it or for the length of time a case can remain in each decision stage before corrective action is required. In the absence of such standards, its monitoring procedures do not require Board members or their staffs to focus proactivity on cases most likely to show excessive delays unless corrective action is taken.

Another factor accounting for excessive delay is Board member turnover and vacancies. The Board had as many new members—six—during 1980 to 1984 as it had during the 1970's and more than it had during the 1960's. Five Board members were replaced during fiscal years 1980 to 1983. One newly appointed member served less than 17 months, another served less than 3 months. Turnover continued from 1985 to 1989, when six new members replaced others who were appointed from 1980 to 1984.

Contributing to these delays are inadequate funding levels for the Board. To quote from a letter to myself and other members of the Committee on Education and Labor from Board Chairman James Stephens and general counsel Jerry M. Hunter dated February 14, 1991:

> Within the level of this year's funding, we are barely meeting our casehandling workload while paying for those nondiscretionary expenses such as rent, communications, postage and other fixed costs over which we have no control. We have discontinued practically all training, virtually eliminated discretionary spending, reduced casehandling travel to a minimum, and have frozen hiring on a nationwide basis. Our progress in enhancing our automation capabilities has come to a halt and indeed, we will be unable to maintain our current capabilities due to the aging of computer, word processing and other equipment.
>
> Compounding our difficulties is the present understaffing in many of our field offices. Without adequate resources, the backlog of cases, an ongoing concern of the Congress, is building and will continue to do so to such an extent that the effectiveness of this Agency will be adversely affected. Currently, we are not able to make essential staffing adjustments among our Regional Offices by hiring employees or permitting transfers or details. Largely due to this disparate staffing, the median time to issue complaints is now three weeks longer, which exacerbates the backlog.

If relations between labor and management are to have any future at all, they must be based on the common sense foundation of a National Labor Relations Act which can be enforced fairly to protect the rights of both employers and employees. That is why the Congress passed the NLRA and why it created the Board. We must act now to put in place necessary reforms so that the Board can carry out its mission. My resolution, which is section 5 of the Goodling substitute, expresses the sense of the Congress that the President should appoint a commission to make recommendations to Congress for reform of the National Labor Relations Board including, but not limited to:

First, statutory changes to the procedures for filling vacancies of National Labor Relations Board members, and changes in the number of Board members if appropriate;

Second, changes in the number and functions of personnel at the Board;

Third, internal procedural changes within the NLRB to decrease or eliminate case-processing delays;

Fourth, appropriate increases in Federal funding for the Board and general counsel to carry out recommended reforms; and

Fifth, changes to the National Labor Relations Act which will provide expedited relief for certain complaints and actions brought under the act.

We cannot ignore the very real and pressing difficulties faced by the Board in securing for employees rightful remedies under the NLRA where the law requires. It is the very delays outlined here that have created justified frustration among unionized workers, and many employers as well. It is time to let the National Labor Relations Board—and the National Labor Relations Act—work as intended. The Goodling substitute is a common sense approach to the problem of permanent replacement and calls upon the President for reform of the NLRB. I urge my colleagues to support the Goodling substitute.

Mr. FORD of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, I thank the gentleman from Michigan [Mr. FORD], the chairman of our committee, and I join with him in complimenting our colleague, the gentleman from Pennsylvania [Mr. GOODLING].

During the 14 years I have had the privilege of serving with the gentleman from Pennsylvania, he has constantly sought compromise in difficult situations and provided us leadership in those situations. I agreed with him earlier today when he said that it is not fair that this should cover only unionized workers, but I know that the gentleman from Pennsylvania [Mr. GOODLING] understands that that was a compromise that we must accept when we accept and debate the Peterson amendment later in the afternoon. We will support that even though some of us believe that all workers should have the same protection whether they are unionized or not.

The fallacy in the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] is one that I think he legitimately arrived at in saying there should be a time limit in which the matter should be decided. The real problem is that if we then say the worker only has 8 weeks to determine whether he can legitimately strike or leave his place of employment or not, he will then in effect have lost his right at the end of 8 weeks.

If the gentleman would care to accept the notion that would say that at the end of 8 weeks all work would stop at the installation, the worker will not report and the plant will close, I will join him in that effort. We will then have the gun pointed at both heads,

and we would then say, "You will solve it in 8 weeks or the plant will close and you won't have any profit and you won't have any wages."

Right now it only goes one way. There will not be any wages if there is a work stoppage, but the profit seems to go on with the replacement of workers.

The basic issue we face is the worker's right to withhold his or her labor until a mutually agreed-upon contract can be achieved.

I just want to say further that in many nations of the world our capitalistic democracy neighbors have built into their constitutions the right that an employee may leave the place of employment and at the end of the work stoppage, at the end of negotiations, have that constitutional right to return. We thought in this country in 1935 that we had achieved that protection for American workers. With the advent of the Reagan administration, followed by his Vice President, Mr. Bush, as President, and the Supreme Court that they have structured, those rights under the NLRA no longer exist. This will come just part way toward restoring those rights.

Mr. Chairman, I urge the Members to vote against the Goodling amendment and vote for the legislation.

Mr. Chairman, today I rise in support of H.R. 5, the strike replacement bill. This legislation has been too long in coming, and it is certainly appropriate that we are finally addressing this issue. Over the past 50 years, and especially during the last decade, workers—exercising their legally protected right to withhold their labor when agreement cannot be reached at the bargaining table—have found that management has brought in permanent strikebreakers to take their jobs. Since the Reagan administration established an antiworker climate in 1981, employers, in the mold of Frank Lorenzo, have been promising strikebreakers that they—not the workers on strike—will have a right to the workers' jobs.

Hiring replacement workers during a strike is both unethical and unfair. I believe that this is an option that should no longer be available. I believe that H.R. 5 restores basic worker rights, and assures fairness and stability in labor-management relations through collective bargaining.

I also feel that this legislation fairly balances the concerns of business as well. For example, while H.R. 5 would make it unlawful for an employer to offer permanent employment to an individual for doing bargaining unit work during a labor dispute, it would not change the current practice of allowing employers to use temporary workers as well as managers and supervisory personnel during a strike.

America, which has always prided itself as being the most productive nation in the world, finds itself standing nearly alone when it comes to providing job protections for striking workers. In Italy and France for example, the right to strike is guaranteed by the Constitution. Walkouts represent a suspension not termination of the employment relationship. Strikers cannot be summarily dismissed or permanently replaced. We need to learn from these examples.

We have heard of instances of companies actually advertising for replacement workers before a strike has even begun, which leads me to believe that the pendulum has swung too far. Such situations leave us no other alternative but to enact this legislation.

Unfortunately, the antiunion attitudes of the 1980's have spilled into the 1990's, and continue to disrupt the collective-bargaining process. This undermines stable labor relations. Workers are intimidated into giving up a basic legal right, the right to withhold their labor. Our labor laws were designed to protect workers. Yet when striking is turned into the equivalent of giving up one's job, the balance of power between corporations and their workers is decisively tilted against the workers. For this reason, I strongly urge my colleagues to support H.R. 5.

The CHAIRMAN. The Chair will state that the gentleman from Michigan [Mr. FORD] has 18½ minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 17 minutes remaining.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, today's vote on H.R. 5, the Workplace Fairness Act, is proof positive that 10 years of high testosterone, macho behavior in labor-management relations has failed. Ronald Reagan's double talk and Frank Lorenzo's scorched Earth policies left 300,000 American workers unemployed. "Replacement" is just a fancy euphemism for "fired." In either event, the workers and their families were left with no income, no health insurance, no nothing.

All the muscle flexing of get what you can management may have lined the pockets of the union busters and given management a few shortlived good headlines, but it has left Eastern Airlines in liquidation, Continental and Greyhound wallowing in bankruptcy, and the real average weekly wage of American workers falling precipitously.

Repeated concessions by labor have yielded nothing. International Paper Co. is a case in point. Though the company's profits tripled between 1986 and 1987, hitting $100 million, management ignored union concessions, including a wage freeze, and fired—oh, excuse me, permanently replaced—its 2,300 workers.

We not only need H.R. 5 but a whole new attitude in labor-management relations, in which teamwork and investing in long-term productivity replace self-destructive union busting. Cooperation has proven results. According to a 1986 study, at unionized companies that promoted teamwork, employee productivity increased 19 percent, while at companies that fought or ousted their unions, productivity fell by 15 percent.

Union busting not only destroys employee morale, it harms the bottom line, profits. The New York Daily News, for example, spent $24 million preparing for a totally destructive strike. American management needs to take another lesson from the Japanese. When they bought Firestone Tire & Rubber Co. in 1988, the new Japanese management invited labor to the bargaining table, because they saw labor as a value, not a threat. Today we can restore workplace fairness and invest in our Nation's labor force by voting for H.R. 5.

□ 1500

Mr. Chairman, I would like to ask the gentleman from Michigan [Mr. FORD] a question, because we have heard many Members come down here and say if we pass H.R. 5, we are not doing a thing for American workers that German workers, European workers, Canadian workers, and all sorts of others do not have.

But even Japanese, as well as others, have this not just in the law, but in their Constitution. My understanding is the gentleman from Michigan [Mr. FORD] knows something about that. Is that true vis-a-vis Japanese workers?

Mr. FORD of Michigan. Mr. Chairman, I was informed by a person who served on General MacArthur's staff that they wrote it into the Japanese Constitution because they believed they were going to make labor-management relations in Japan exactly as they perceived them to be in the United States of America, and that is how they froze it in place. It was General MacArthur who did this, and I am certain that every Member remembers him with affection and awe.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Michigan [Mr. FORD]. I hope everybody does what General MacArthur would want them to do, and that is at least have the equal rights for American workers that he gave Japanese workers. It will be very ironic if we vote down H.R. 5, and they cannot even have a law for things that General MacArthur gave constitutional rights to the Japanese for.

Mr. GOODLING. Mr. Chairman, I yield 30 seconds to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I would like to make some clarification of the statements that were just made in prior statements, where Members continually try to make the parallel between our labor union laws and others as though striker replacement is the only distinction.

Mr. Chairman, that, of course, is not true. In Japan you have essentially company unions. They have an entirely different system than we have. There is no relationship to their striker replacement provisions with respect to our law.

Germany we could go into. Sure, they do not have striker replacement, but they also have all kinds of limita-

tions. The Netherlands, France, all of those countries have very onerous restrictions on labor unions that we would not tolerate in this country.

Mr. GOODLING. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I agree with what was just said. In Japan, for instance, you are talking about the difference between onions and peaches. You are not even talking about the difference between oranges and apples. Labor does not have much say as individual laborers. If they want to move a plant because they say the plant is not productive here, or we do not need it there so we are going to move it there, collectively they do that. They know that from day one.

I would like to respond to the gentleman from Pennsylvania that the purpose of the 8 weeks, they have already been negotiating now for a year, 6 months, 4 months. They have already been doing all of this negotiating. What I am saying is in that 8-week period now you are down to the point where you had better crack it quickly, you had better really get to it, and stop playing games.

Nobody can afford to hire permanent replacement workers and survive. All of the companies we talked about are good examples; you cannot do it. You spend thousands and thousands of dollars to prepare your workers, so you cannot do it.

The extra 8 weeks says after all that negotiating you did and playing around, now you had better get to it, folks, and come up with an agreement that both sides can handle.

Mr. Chairman, I yield 3½ minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Chairman, let me join everybody in commending our good friend from Pennsylvania [Mr. GOODLING] for his work on this bill. Let me go further than that and commend members on the other side. I think we all understand that the emotions are not going to get too high today, because frankly today is dues day. Everybody is paying their union dues. That is what this is all about here, and we ought to understand that and go forward.

The reason I asked unanimous consent to read from a printed document is, "Showdown for Labor in the House" from this morning's Washington Post:

> At the Communications Workers of America Convention in San Francisco last month, delegates voted to prohibit the union from endorsing or contributing next year to any Congressional incumbent who did not embrace legislation to ban the use of permanent replacement workers in strikes.

Mr. Chairman, let us understand exactly what we are doing here today. We are here today because this is part of the 1992 campaign, and my friends on this side of the aisle have some obligations. We are all big enough to understand exactly that is why we are here.

I have to say as one of those who considers himself a moderate Republican, a number of Members on our side of the aisle met with organized labor on this issue, and we said, "Can we work out some kind of a middle ground?" They said, "Frankly, we can't now. Probably sometime in the future we can, but that is not the purpose of this bill here this afternoon."

Mr. Chairman, we talk about the fact that we are here to protect jobs. I would suggest if our real interest was in jobs, we would understand that this is the legislative equivalent of a luxury tax, and, instead of keeping jobs in this country, it is going to transfer them to other countries.

Mr. Chairman, if I knew this was coming, I would have voted against fast track. You are darn right, because with this in place, everybody in the South is going to move their plant over the border so they have some flexibility. Second, if we were really interested in jobs, we would talk about solving the recession, not passing this kind of legislation. Third, if we were really interested in jobs, we on the Committee on Education and Labor would have up today not this bill. We would have revisions of the Job Training Partnership Act, or the chairman's Higher Education Act, and do a whole bunch of new things for the nontraditional students, those adults that need to come back and get training so they can keep their jobs.

Is there a problem? Yes, there is a problem. I agree with my Democratic colleagues on that. In the era of hostile takeovers, let us understand, even if it is 4 percent of all the strikes that occur, there is a problem when you have the Lorenzos of the world coming in, not bargaining in good faith, with the pure intent of trying to cause a strike so they can immediately eliminate that union, eliminate that collective bargaining agreement, eliminate those employees, and hire lower paid people. I agree with that.

But the problem is, H.R. 5 is not the solution. If you want a solution, the solution is the substitute.

Mr. Chairman, I have to tell Members, I am amazed. Members get up and say that the substitute is bad because it is going to keep a strike in place for 8 weeks, so you do not want an 8-week cooling off period. Wait a minute. Are you going to tell me that every one of these strikes, that is so adamant, with both sides entrenched in their positions, they are going to fire the whole kit and caboodle of employees, that an 8-week cooling off period is going to extend the strike? Wait a minute. It is one or the other. Either the strike does not have significant differences and it is going to be solved, or you have got a big problem, and you need this cooling off period.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am in strong support of H.R. 5 and in opposition to the Goodling amendment. Let us be honest and briefly discuss what has been happening in the workplace in America in the last 20 years. Let us be honest and acknowledge that anybody who talks about current conditions being a level playing field, a level playing field, is dead wrong.

What in fact is happening? All of America knows what is happening. The average American today, the average American worker has seen a significant decline in his or her standard of living. We have seen millions of jobs leave the United States, good jobs, to go to the Third World, so that employers can pay workers there $5 an hour.

Meanwhile, while the American worker becomes poorer, the chief executive officer is getting $5 million a year, is getting $10 million a year. We are talking about a gap between the incomes of chief executive officers of corporations and American workers larger than any other industrialized country in the world. Is that a level playing field?

Mr. Chairman, what in fact we are talking about is economic power. Anybody with any sense understands that more and more power rests with the rich and the large corporations, and less and less power rests with the average American worker. What does the right to strike mean, if in fact you go out on strike and your boss takes your job and replaces you with a permanent replacement? What does the right to strike mean in that situation?

Mr. Chairman, what we are talking about is employers telling workers, "Listen, this is what you are going to get in your next contract. Take it or leave it. If you go out on strike, you are going to lose your job."

Mr. Chairman, we are talking about fairness here. Let us support H.R. 5.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana [Ms. LONG].

□ 1510

Ms. LONG. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am a cosponsor of this bill because I believe that some legislation in this regard should become law. I will vote in favor of H.R. 5 because I want a bill to become law. But this bill will not become law in its current form. It will not become law because it is not a compromise which addresses legitimate concerns of the business community.

While the very large majority of employers treat employees fairly, I am convinced that too many employers—and the number appears to be increas-

ing—have taken advantage of middle-income workers and their families over the course of the last decade by hiring permanent replacements in order to avoid good faith negotiations. Much of the evidence is clear on this point, and as many of my colleagues are aware, the GAO concluded in a report released earlier this year that while there were fewer strikes during the 1980's as compared to the 1970's, there were, in fact, more instances where employers hired permanent replacement workers during the 1980's.

I am also convinced that for us to be considering legislation to restrict the hiring of permanent replacement workers is totally appropriate and that it is possible to fashion a workable law which will not adversely affect businesses or the economy of our country. My colleagues might be interested in the fact that Germany, France, Italy, Sweden, and Canada—to name a few countries—all have laws on their books to restrict the hiring of permanent replacement workers. And all of these countries have higher average wages for workers than does the United States.

But the solution we come up with must be workable for employers and employees. The bill before us—in its current form—is not such a measure. The Goodling substitute is not such a measure either—and while the 8-week provision in the substitute has some merit, that provision alone is not the solution. Rather, binding arbitration provisions are a more reasonable approach. And to be honest, I have been soliciting the views of the business community in Indiana and to date, I am not aware of a workable measure for employers and employees.

A compromise bill, in my opinion, should encourage good faith negotiation on the part of business, but should not give labor unions an upper hand, as many contend this bill—in its current form—would allow.

One approach that would go a long way toward achieving this goal is to provide for a date certain when employers could—under certain circumstances—here permanent replacement workers. Such a deadline should be provided to encourage negotiations, but we should realize that a deadline in and of itself is not enough. Passing such a deadline should not automatically give employers or employees an advantage, but should only intensify the negotiating process by requiring that the parties enter into binding arbitration to resolve outstanding differences.

Unfortuantely, the bill before the House today is not a workable compromise and it will not become law. This bill is, however, a vehicle on which the Congress and the administration can work. I hope this will happen during the coming months.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, first of all, a number of people on the other side of the aisle have said that somehow H.R. 5 is necessary to preserve the right to strike. Nothing is further from the truth. The right to strike remains.

Now, if there is a problem, as the gentleman from Wisconsin mentioned just a few moments ago, it may be in a hostile takeover the new reorganization seeks to get rid of the unions and if workers go out on strike they are immediately replaced or nearly immediately replaced by replacement workers who are permanent. How do we address that problem?

If it is 4 percent of strikers who are actually affected, how do we deal with the 4 percent with a rifle rather than with a blunderbuss or a nuclear weapon?

The Goodling substitute does that. It gives 8 weeks after all the negotiations have failed and workers go out on strike, it gives 8 weeks prior to the ability of an employer to hire permanent replacement workers. So those workers hired during the 8 weeks, they must be let go by law if Goodling is made into law. That solves the problem. It is a narrow approach to what may be a narrow problem.

It does not change 50 years of labor law. It is fair. It is a compromise. Why can we not compromise on this? Why does it have to be all or nothing at all?

I ask my colleagues on the other side of the aisle, is not a vote for Goodling, knowing that the administration is going to veto this bill, is not a vote for Goodling a chance to get something passed rather than nothing?

Thank you, Mr. Chairman. I rise in support of the substitute offered by my colleague from Pennsylvania, Mr. GOODLING. He is to be commended for this fine legislative effort. This proposal is a carefully crafted, precisely targeted measure aimed at preventing genuine abuses of our generally sound labor laws. and unlike H.R. 5, this substitute is structured not to endanger, but to enhance, the crucial balance of deterrence and incentives that encourage labor and management to resort to strikes only as an absolutely last resort in the collective bargaining process.

How does Mr. GOODLING's substitute do this? First, by preventing an abusive employer from jumping the gun and terminating good faith bargaining through premature use of replacement workers. The substitute prohibits hiring or threatening to hire replacement workers during the first 8 weeks of an economic strike.

Second, the Goodling substitute extends the period in which even replaced workers may vote in union elections—from the current 12 to 18 months, thus making it much more difficult for an employer to use replacements as a means of voting out a union as the employees' collective bargaining representative.

Third, the substitute makes it a condition of a lawful economic strike that the employees authorize through a secret ballot—a right not conferred by existing law. This enhances industrial democracy by giving employees the right to determine the course of their union in a strike situation, without fear of intimidation or retribution.

This is already law in Great Britain.

Finally, the Goodling substitute would make strikes involving the use of replacements the top priority on the docket of the National Labor Relations Board, the agency charged with overseeing the proper administration of the Federal labor laws.

This measure, Mr. Chairman, represents good legislative craftsmanship—a thoughtful, carefully analyzed answer to the few abuses that may affect the 4 percent of striking workers who are actually replaced by their employers. It contrasts sharply with the massive impact of H.R. 5 as reported. I urge that the House adopt the Goodling substitute as the best of both worlds—protection for striking workers where it is needed, without needless overkill that would harm the essential balance of incentives that has made American collective bargaining so successful. Let's protect the right to strike—a precious feature of any true democracy—but not by undermining the very system of labor-management negotiation that is absolutely essential to successful, competitive American industries. American workers, American industries, and the American economy deserve better; and if we adopt the Goodling substitute, they will get it.

Mr. FORD of Michigan. Mr. Chairman, I yield 3 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I rise in opposition to the Goodling amendment and in support of H.R. 5. This is a bad amendment to a good bill. I thank the chairman of our committee, the distinguished gentleman from Michigan, for bringing this before the House today.

Today we Members of this House of Representatives are representing the hard-working American families in our districts.

Today this House decides whether to protect the jobs of workers who are striking for wages to support their families, for health care or for other economic conditions. H.R. 5, the Worker Fairness Act, prevents companies from hiring permanent replacements when their own employees are out on legitimate strikes.

The struggle of organized labor is very much a part of the history of this country—brave men and women fighting for decent wages, decent working

conditions, and decent benefits for them and their families. Greedy corporations resorted to strikebreaking and sometimes violence. Many of these gallant men and women gave their lives for their union brothers and sisters.

Because of their efforts, since 1935 under the National Labor Relations Act, organized labor has had the fundamental rights to organize, to bargain collectively, and to strike if necessary. This act, also known as the Wagner Act, made it illegal for companies to interfere with these rights, including the right to strike. An obscure Supreme Court decision in 1938 provided a loophole, however, for companies intent on union busting. The loophole wasn't really used until the Reagan-Bush years when a full-scale attack began on American workers.

The Worker Fairness Act is important to those hard-working Americans. It restores a fair and equitable balance between labor and management.

A strike is the ultimate tool for workers in collective bargaining, and only used in a last resort when negotiations have totally broken down. It is designed to place an equal hardship on management and labor: Management loses profits and the workers lose their wages. This should provide an incentive for both parties to go to the bargaining table.

But this balance becomes an imbalance when a company can effectively cease negotiations and then end a strike by hiring permanent replacement workers. This is a hollow choice for workers: "Keep your job on the company's terms—or lose it on the company's terms." America's workers deserve better.

Today, let us—the representatives of the people—let us truly represent the people. Let us stand up for workers and oppose the Goodling amendment. Let us stand up for the Worker Fairness Act.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLUG], a member of the committee.

Mr. KLUG. Mr. Chairman, I rise in support of the Goodling substitute to H.R. 5.

I think it is clear, Mr. Chairman, that there have been identifiable abuses, by employers, of their legal right to hire replacement workers during economic strikes. The plain truth, however, is that these abuses have been exceptions to the rule rather that the rule itself.

In fact, Mr. Chairman, there is no evidence to suggest that these cases where permanent replacement workers are involved is either the beginning or the continuation of a trend. The number of major labor strikes has dramatically declined over the last decade and the number of striking workers who have been replaced has not increased. In reality, the number of striking workers who have been permanently replaced under the Mackay statute has actually declined.

H.R. 5 is an overblown and potentially counterproductive response to the problem. Rather than the fairness which the authors and supporters of this legislation claim as their objective, I believe that this legislation will instead undermine an equitable balance in the collective bargaining process and, in the long run, foment increased labor-management conflict and economically costly strikes.

The ranking member of the Education and Labor Committee, Mr. GOODLING, has offered a proposal which is a far better response to the actual problem. It would put in place a moratorium on the right to hire permanent replacement workers which would protect striking workers without at the same time stripping employers of all power at the bargaining table. It also calls for much needed reform of the case processing standards of the National Labor Relations Board. I know from an experience very close to home that such reform is essential.

Average case processing times have been at the highest level they've been in the NLRB's history, with almost 20 percent of cases being appealed taking 2 years to be decided. These delays have presented major problems in adjudicating the rights of workers involved in strike activities. In my own district, in the town of Stoughton, it took the NLRB more than a year to finally rule in favor of the claims made by striking workers. For the men and women that had to live without a paycheck during that period it proved a very hollow victory.

Mr. Chairman, the Goodling substitute offers an opportunity to farily and reasonably address issues which need to be addressed. It maintains the very critical and long valued balance between workers and employers in the collective bargaining process while at the same time mitigating against the abuses which have spurred this debate. It creates a legal environment in which both employees and employers would have the strongest incentives possible to bargain reasonably and in good faith. H.R. 5 is not consistent with either of these aims and for that reason I urge my colleagues to support the Goodling substitute and to reject H.R. 5.

□ 1520

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, today we are considering a bill that stands at the very core of this Nation's democratic values: equality and fairness.

The last 10 years have seen the fair balance between labor and management shift in favor of management due to the proliferation of replacement workers.

There have been all kinds of examples given here today, Mr. Chairman, and let us take the Washington Post that was just mentioned where they managed to kick out their pressmen, where they turned one set of workers against another. Let us just take a look at what it says here. "CEO's," and that is the chief executive officers, "get a bigger piece of the pie. Average pay for top executives in 60 area companies nearly $700,000 in 1990." In the very same paper, right here in your Metro section, all you have to do is look in Maryland and look in Virginia, and you do not have to look any further than just outside the precincts of this capital, in the suburbs, "More driven to the streets. Area recession increasing evictions of the employed."

Some people have implied on this floor that people who are employed now cannot wait to go on strike. There are ads being taken out against this bill that say it is the striker breeder bill as if workers are a nest of mosquitoes, as if it is a kind of cancer that wants to spread, as if the people who are employed right now who have lost net wages over the past 10 years wanted to go on strike, and at the same time opponents of these measures have said that people are not going on strike as much as they had before even though it is for economic purposes; it is because people have been intimidated, because they have been made afraid.

This is an opportunity for Democrats and those Republicans who would like to join them to bring fairness and equity back into the workplace. This is the time for the Democrats in this House to make a statement that they are on the side of working families all across this country and to draw the line today.

Who is on your side? Who is standing up for your family? It is this bill. Vote for it if you want to vote for working American families.

Mr. Chairman, today we are considering a bill that stands at the very core of this Nation's democratic values—equality and fairness—the entire collective-bargaining system established by the National Labor Relations Act of 1935 and the Railway Labor Act of 1928 was based on the premise of providing fairness and equality in the collective-bargaining process. But, Mr. Chairman, that is no longer the case.

The last 10 years have seen the fair balance between labor and management shift in favor of management due to the proliferation of replacement workers. This certainly was not the original intent of our labor laws, but is an unnatural result caused by a President who went so far as to fire thousands of striking air traffic controllers. Thus, Mr. Chairman, because of this precedent there has been a huge increase in the number of workers being permanently replaced while exercising their

collective-bargaining rights. Is it fair Mr. Chairman? I say it is not.

Mr. Chairman, every Member in this Chamber would like to see labor disputes settled at the bargaining table. But, how, Mr. Chairman, can we expect both labor and managment to negotiate in good faith if the conditions of the debate are not neutral. In order to settle labor/management conflicts we must give unions the capability to approach the table on an equal footing. It is only fair, Mr. Chairman, that the labor unions of this country need the right and authority to call an economic strike, or the collective-bargaining process will never be fair and equal.

The problem is, Mr. Chairman, that the workers of this country are struggling to maintain the basic standard of living acheived through 50 years of fair labor negotiations. The laborers of Hawaii's hotel industry do not work for corporations that will provide their families with maternity leave, nor do they work for corporations that will give them family medical leave or protect them from hiring discrimination; the loggers of Washington State do not work for companies that will allow them decent pension benefits; the meat packers of Iowa do not work for businesses that will provide them with day care. The coal miners of West Virginia do not have six-figure litigators on their payroll to protect them from unsafe working conditions; the steel mill workers of Pennsylvania do not have $100,000 per year lobbyists who provide management with tax breaks, and loopholes in the occupational health and safety regulations, and the air traffic controllers of this country only wished they had an administration in the White House that would have respected their collective-bargaining rights and recognized the professionalism required in air traffic control. It is apparent, Mr. Chairman, that there is no balance, and there will never be a real balance as long as striking workers are being permanently replaced.

The only thing that the workers of this country have is a Congress that can empower them with the tools to bargaining collectively. Let's not take these fundamental rights away. Mr. Chairman, if we continue to tie the hands of the working men and women of this country, they will never get a fair shake.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes, 15 seconds, to the gentleman from Pennslyvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise today in support of the amendment being offered by my distinguished colleague from Pennsylvania. He is to be commended for working in a positive, constructive way to address serious permanent and real problems in the current state of labor-management relations.

The major component of Mr. GOODLING's substitute provides a temporary moratorium on the hiring of permanent replacement workers. There can be no question that this will help protect union members engaged in a strike and will encourage both sides to reach swift agreement on issues in dispute.

Unfortunately, the use of permanent replacement workers clouds the collective-bargaining process. Even if an employer does not use them, unions are constantly under the Sword of Damocles. The fear of permanent replacement is ever-present. And as long as the threat of permanent replacement exists, the collective-bargaining process is tainted.

An extremely important, but easily overlooked, component of the Goodling substitute is a provision urging swift resolution of unfair labor practice cases at the National Labor Relations Board. According to a January 1991 GAO report, it took more than 2 years to resolve 21 percent of unfair labor practice claims. Further, the median time taken to close such cases in the period 1984 to 1989 was two to three times longer than a decade before. When businesses engage in unfair labor practices, workers are compelled to go on strike to protect themselves. Unfortunately, slow disposition of these cases renders virtually meaningless the protections afforded by the NLRA.

Finally, Mr. Chairman, I would note that the administration now understands the importance of this issue. Last year, my colleagues TOM RIDGE, AMO HOUGHTON, and I were unable to secure a meeting with then Secretary of Labor Dole to discuss the issue. This year, we have met with both Secretary Martin and President Bush. The President is sincerely concerned about this problem and was interested in finding a fair way to protect the jobs of workers who exercise their legal right to strike. We ought to be working with him, rather than against him.

Mr. Chairman, a vote in favor of the Goodling substitute is a vote for a positive compromise. Let us put aside the political gamesmanship and partisan politics. Let us work together to find a solution to this problem which provides real protections to working men and women without handcuffing American businesses.

Mr. Chairman, as written, H.R. 5 is not going to be enacted into law. Let us put aside that vehicle and work toward passage of legislation that will not be met by the President's veto pen.

Mr. FORD of Michigan. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, much has been said by Members on that side who apparently are conferring with somebody in the White House about the fact that H.R. 5 would not be signed by the President. The implication being that if H.R. 5 was amended by Goodling it would.

Unfortunately, I have a letter dated July 15 from Lynn Martin, Secretary of Labor, saying unequivocally that the President was going to veto, or would be advised to veto, legislation of this kind, and then saying union-only limitations and moratorium amendments, in other words, the Goodling amendment, would not change the thrust of H.R. 5 or diminish the administration's objections to this bill.

So if Members are looking for a way to get the President to sign it, the Goodling amendment is not that way.

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

Mr. FORD of Michigan. I am happy to yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I want to make sure the gentleman does not believe that I believe the President would sign the bill because of my substitute. However, there is another process, you know; there is a veto, and there are a certain number of votes needed to override, and a certain number of votes needed to sustain, and that may be the difference.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, let me just begin by saying that the notion that because the President says he is going to veto something we should, therefore, not contemplate doing it misreads the Constitution of the United States. The veto was never meant to be a magic wand. The veto is a very solemn instrument that, if the President after full debate decides he wants to take the reponsibility to veto a bill, that is his right, but if you allow the President simply by saying the word "veto" to dissolve the legislative process early, you have distorted what legislative-executive relations are supposed to be, and distortion of relations is why we are here.

This legislation would not have been thought of, and certainly would not have come forward, if it had not been for the radicalization of the National Labor Relations Board during the 1980's.

We have had periods in American history when Republican Presidents have appointed Board members who have moved in one direction and Democratic Presidents who have moved in another direction, and then we had 1981 and the Reagan years. We had, and I can say this in my capacity as a former chairman of the subcommittee over the NLRB jurisdiction and government operations, the NLRB shut down for working people, and an ideological set of appointments were made during the Reagan years which simply denied working people the benefits of the National Labor Relations Act.

People who now urge on workers to be conciliatory, to work this out, to find other ways should have been there in 1983 and 1984 and 1985 when people were fired for simply trying to exercise their collective-bargaining rights under the National Labor Relations Act and got no practical relief whatsoever, because the National Labor Relations Board, the entity that was charged with enforcing the National Labor Relations Act and the rights of working men and women, simply shut down to them for ideological reasons.

There have been a series of very substantial erosions in the ability of working people to get a fair share.

□ 1330

One of the precipitating events is what happened at the NLRB. We are here today, in part, because of that. Strikes which had begun to diminish in the eyes of some, came back, and that, now, is a balance that must be righted.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise to commend my colleagues from Pennsylvania for having the courage to begin the dialog that is absolutely essential to finding a solution to the problems that lie behind H.R. 5. I am deeply anguished by the hardship that has been imposed on some of our Nation's work force by a few irresponsible employers, who have approached the bargaining table in bad faith.

The real message behind H.R. 5 is the need to reform the National Labor Relations Board process to speed up decisions when good-faith bargaining is in question. Prompt action by the NLRB would have protected those hundreds of families that suffered for years at the hands of the old Colt management in Connecticut, which refused to bargain in good faith. Ultimately, the strikers received back pay and reinstatement under current law, but the price paid by those families was intolerable. One-half of the 4 percent of strikes involving permanent replacements were ruled unfair-labor-practice strikes by the NLRB and the workers awarded back pay and full reinstatement. However, the human price is too high. The law owes people swifter justice.

We need reform, but H.R. 5 will cost jobs, not secure jobs. In today's difficult economic times, more companies, when faced with the stark choice between a contract settlement they cannot afford and a strike that will shut them down, will simply close or move abroad. They will do so because they are competing in an international marketplace, and as part of a more interdependent business community, where failure to honor just-in-time delivery commitments is terminal. Strikes are more lethal in less time today than ever before. That means the choice between an unaffordable settlement and a long strike will more often lead to closure or relocation. Job loss, not job gain.

We should recall the experience we had with the ABC child-care bill, a bill originally drafted by interest groups, and dropped into our process for several years. They were intransigent. They said we could not negotiate. We cannot work our will, and we had no child-care policy.

We are facing that same situation today. We need for H.R. 5 to be part of a larger debate, as my colleague from Pennsylvania has tried to do, to bring it into a broad arena. We need NLRB reform. We need to prevent the retraining of replacement workers.

There are a number of solutions that we need, and this amendment starts that process.

Mr. FORD of Michigan. Mr. Chairman, I understand that the gentleman from Pennsylvania will close, since he is the proponent of this amendment, is that correct?

The CHAIRMAN. The gentleman from Pennsylvania has 2¼ minutes remaining, and the gentleman from Michigan [Mr. FORD] has 3½ minutes remaining.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the great fighter for the American working man, the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, I grew up on the east side of Detroit. At the age of 7, I knew what a recession was.

I knew, and today I know many people laid off permanently. I have been in their living rooms and talked to them about it, and what it does to their families. No one in my neighborhood talked about taking somebody else's job. That is what this issue is about. There is nothing worse than losing your job, or fearing losing your job.

Many on the minority side talk about families, and their concern for families. What is worse than a family losing their livelihood? There is nothign worse than that. That is what this issue is here today.

Ironically, many people in the House did not want to vote on this controversial issue; they think it is controversial. I think it is one of human rights. Why? Because they were afraid of the next election, afraid of losing their job. How tragic. Stand up for the American people. Let Members protect American jobs. Let Americans pass this bill, and let Members talk about what we should be doing. After we take care of the people that have jobs today, let Members talk about creating jobs.

I do not hear any person on the other side talking about new jobs and creating new jobs, but talking about taking away jobs. We will win this fight, because we are on the right side of the American people.

Mr. FORD of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in opposition to the Goodling amendment.

Mr. Chairman, I rise in opposition to the substitute amendment. Let me begin by commending the gentleman, as well as another gentleman from Pennsylvania, Mr. RIDGE, for their efforts with regard to the issue. If we do not yet agree on a solution, we nevertheless share a recognition of the problem and a common desire to address it. Both Mr. GOODLING and Mr. RIDGE have proposed substantive changes in law that would make definite improvements on the status quo. Neither, however, has proposed corrective changes that ensure American workers the protection to which they should be entitled. Nor have they offered a compelling reason why American workers should settle for less than they deserve.

The substitute amendment now before us provides that an employer may not hire permanent replacements for 8 weeks. In my view, an employer should not be able to offer permanent status to any employee so long as the striker retains employee status. Limiting the protection of H.R. 5 to an 8-week period will still encourage some employers to promote strikes as a means of terminating bargaining relationships. There is no good reason for supporting a provision that gives American workers substantially less protection than that enjoyed by Canadian, German, Japanese, French, Dutch, or Polish employees with whom they must increasingly compete.

The substitute amendment calls for the NLRB to give priority to unfair-labor-practice charges affecting the status of striking workers. I believe that the gentleman from Pennsylvania has identified one of the more significant weaknesses in current law. As a practical matter, for many workers, it makes little difference whether a strike is an unfair-labor-practice strike or an economic strike. While the union may promptly file charges to seek redress for unfair labor practices on the part of the employer, in too many instances it will be years before those charges are finally litigated and a determination is made as to whether the employees are economic strikers or victims of employer misconduct. In the meantime, though the need to provide a livelihood for their families does not diminish, the employees remain exiled from their job—without their regular income. Even if the employees eventually prevail, they are not fairly compensated for the damage done.

Under the NLRA, they are entitled to such wages as they would have otherwise received minus anything they have managed to earn or should have managed to earn in the interim. Yet, the employee has undergone a prolonged period of unemployment and suffered all the damage that entails. Normal family expenditures have been altered. Goods or services the family would have otherwise purchased have been forgone. In some cases, cars and homes have been repossessed and medical treatment has been postponed to that individual's detriment. Despite the fact that all of these deprivations may have been visited upon the employee because of the employer's violation of the law, the employee is not entitled to and does not receive remuneration. Much has been made by opponents of this legislation of the fact that Colt Industries paid back wages in the millions of dollars as a result of an unfair-labor-practice strike. What the opponents fail to point out is that the employees who were the victims of that employer not only would otherwise have earned every penny of that money and more, but suffered real losses that doubled or tripled their back-pay award.

Mr. GOODLING, having recognized this problem, proposes to deal with it by encouraging the Labor Board to expedite ULP charges af-

fecting the status of strikers. As one who served for 7 years as chairman of the subcommittee with direct oversight for the Labor Board, let me say that the Board has been repeatedly and consistently urged to expedite such charges. In fact, beyond the problem of the Board itself, it is the structure of the judicial system that produces the delays. The solution that Mr. GOODLING proposes is no solution at all.

H.R. 5 does not increase financial liabilities to employers, nor does it increase compensation to employees. There are no provisions for punitive damages, nor is there any language addressing Board or court procedures. But, by eliminating the ability of employers to use strikes as a means of busting the union, H.R. 5 more effectively addresses the problem of ULP strikes than Mr. GOODLING's substitute.

I urge my colleagues to listen to the anger and frustration of our constituents. They deserve more than qualified, half-hearted and ineffective remedies. They deserve real solutions to the inequitable and unjust real problems they face. H.R. 5 provides those solutions. Regrettably, the Goodling substitute does not. I urge my colleagues to reject this amendment.

Mr. FORD of Michigan. Mr. Chairman, I have no further requests for time.

Mr. Chairman, I ask unanimous consent that my remaining time be transferred to the gentleman from Florida [Mr. PETERSON] for his time on his amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] is recognized to close debate on this amendment.

Mr. GOODLING. Mr. Chairman, I yield my remaining 2¼ minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I rise in strong support of the substitute. The committee bill takes Members to a brink of the major change in American labor law.

What does it risk? There has been a lot of talk about comparison of other European states that have different labor law relative to the replacement of striking workers. What happened in Canada when we took a similar step? Listen to Morley Gunderson in his book, "The Effects of Canadian Labor Relations Legislation on Strike Incidence and Duration": "is associated with statistically significant and quantitatively large increases in both strike incidence and duration and tense overall strike activity."

What is ironic, Mr. Gunderson points out, that bill is introduced with the intent to heal labor-management disputes, rather than to exacerbate them.

What is also of interest is that Canadian legislation is not an unlimited, unended right to having an unqualified right to reclaim your job in an economic strike. It is limited to 6 months. In fact, it even requires that there be votes for the strike.

In other words, even with the Canadian law, which mirrors very much what the gentleman from Pennsylvania [Mr. GOODLING] strives to do, the intentions were not fully met, and there were very, very serious risks being undertaken. What the gentleman from Pennsylvania [Mr. GOODLING] is trying to do is to respond to the concerns of labor, while, at the same time, put some hedges on the risks that we are undertaking.

Let me make clear one more time for the RECORD, because of the confusion and some of the misunderstandings on the issue. Existing law, existing law gives an absolute, unqualified right to reclaim a job, to reinstatement of a job, when a worker has been a victim of an unfair labor practice, and management's attempt to break a union and not engage in good faith collective bargaining is regarded, under law, as an unfair practice.

What is at dispute is the right of labor to have an unqualified right to reinstatement of a job when he or she goes on strike, over economic dispute. The committee bill puts management in a terrible dilemma, once that is given. The only way in which management can escape that dilemma is either to capitulate, without question, to the group demands, or else to eliminate the job, and eliminating a job does not help the worker we seek to protect.

I urge support for the substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania [Mr. GOODLING] as a substitute for the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. PETERSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

The vote was taken by electronic device, and there were—ayes 28, noes 399, not voting 6, as follows:

[Roll No. 211]

AYES—28

Bentley
Callahan
Chandler
Clinger
Coleman (MO)
Duncan
Goodling
Grandy
Gunderson
Henry
Hobson
Houghton
Johnson (CT)
Klug
Machtley
Mazzoli
Meyers
Miller (OH)
Pursell
Regula
Ritter
Roukema
Schiff
Shays
Snowe
Walsh
Weldon
Young (AK)

NOES—399

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coble
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hoagland
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Manton
Markey
Marlenee
Martin
Martinez
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano

Sharp	Stenholm	Valentine
Shaw	Stokes	Vander Jagt
Shuster	Studds	Vento
Sikorski	Stump	Visclosky
Sisisky	Sundquist	Volkmer
Skaggs	Swett	Vucanovich
Skeen	Swift	Walker
Skelton	Synar	Washington
Slattery	Tallon	Waters
Slaughter (NY)	Tanner	Waxman
Slaughter (VA)	Tauzin	Weber
Smith (FL)	Taylor (MS)	Wheat
Smith (IA)	Taylor (NC)	Whitten
Smith (NJ)	Thomas (CA)	Williams
Smith (OR)	Thomas (GA)	Wilson
Smith (TX)	Thomas (WY)	Wise
Solarz	Thornton	Wolf
Solomon	Torres	Wolpe
Spence	Torricelli	Wyden
Spratt	Towns	Wylie
Staggers	Traficant	Yates
Stallings	Traxler	Young (FL)
Stark	Unsoeld	Zeliff
Stearns	Upton	Zimmer

NOT VOTING—6

Gray	Matsui	Weiss
Kleczka	Michel	Yatron

□ 1601

Messrs. DARDEN, KOLTER, BRYANT, and McCANDLESS changed their vote from "aye" to "no."

Mr. PURSELL and Mr. CHANDLER changed their vote from "no" to "aye."

So the amendment in the nature of a substitute offered as a substitute for the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. NAGLE). It is now in order to debate the amendment offered by the gentleman from Florida [Mr. PETERSON].

Under a previous order of the committee, the gentleman from Florida [Mr. PETERSON] will be recognized for 32 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are carrying on a debate over H.R. 5. It is very, very important legislation for this Nation. At the same time it is very sensitive, very controversial, but this legislation attempts to bring stability to the workplace. Thus, with that in place, we would have increased worker-management cooperation and, thus, greater productivity.

Mr. Chairman, this bill has strong advocates on both sides. Lobbyist associations and individuals who support the labor and business community are indeed expected to be very parochial in their arguments. However, Mr. Chairman, we in Congress must represent both sides of this argument. We must seek the middle ground, for none of us represent districts with just labor and just business.

As I studied this bill, I became uncomfortable with the ambiguity presented in the language describing who precisely was to be covered under this bill. The businessmen in my district were also concerned. They were concerned that perhaps any two of their employees could form themselves into a unit, walk off and, therefore, shut down that business, and the businessmen would not be able to replace them. At the same time there would be no clarity as to the issue of who the bargaining unit really was.

Mr. Chairman, I promised then that I would address this problem, and I have done so in the form of this substitute.

My colleague, the gentleman from Texas [Mr. EDWARDS], and I have joined to find a solution acceptable to all parties. This proved to be a very difficult project. Finally, on Monday evening this week, with the assistance of the able staff from the Committee on Education and Labor, we secured a compromise that clearly eliminates the ambiguity within the language applicable to organizational strikes.

Mr. Chairman, we have prepared a substitute amendment that restricts coverage under this bill only when the strike involves a union certified by the NLRB, a union recognized specifically by the employer, a union supported by 50 percent plus one of the work force, and that that work force has waited 30 days after filing for representational election by the NLRB. The substitute does not change any other provisions in the original bill, but draws a clear and precise line as to when the bill would apply.

This is a reasonable compromise that is supported by the committee Chairs of all three jurisdictional committees over this bill, and by the labor community as well and, I would suggest, by many of the small businessmen in this Nation.

□ 1610

Mr. Chairman, this substitute makes clear beyond any doubt that this bill does not cover nonunion workplaces.

Mr. Chairman, this substitute will take us to the point of compromise, to the point where we can agree as a Nation on the protection of the workers who are out there toiling away to make our Nation more competitive, to make our Nation more effective as it deals in the international market. I urge my colleagues to support this substitute.

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

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all I would ask the chairman if he would check the voting machine. I do not believe the vote-counting machine is working properly. I noticed the yeses did not seem to record during the last vote. Would the Chair check that out?

The CHAIRMAN pro tempore (Mr. NAGLE). The Chair will check it out. However, the Chair has found that the machine is accurate, despite the Member's aspirations.

Mr. GOODLING. I thought maybe it got stuck.

Two years from now it will be overwhelming.

At any rate, Mr. Chairman, please, let us not make H.R. 5 any worse. I know that this amendment is offered, No. 1, to get some people covered who had some real concerns, but there were no hearings, no one has really paid any attention to what it says, and it was given in good faith. But it is far worse than H.R. 5 before it was offered.

Let me give the Members an indication of why I say that. First of all, if we read it, it says: "Prevention of discrimination during and at the conclusion of labor disputes."

It says that the National Labor Relations Act is amended "by striking the period at the end of paragraph (5) and inserting '; or' and

"by adding at the end thereof the following new paragraph:

"to promise"—and this is an employer—and this is added:

"to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative * * *"

That somehow is supposed to cover labor. It does not do it.

Then, second: "at least 30 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees"—and get this—" and the Board has not completed the representation proceeding * * *"—of course, they have not. We are told that even on the regional level it takes them at least 48 days. So, of course, at the end of 30 days they have not completed anything. Of course, on one hand it would appear that by saying that, we are taking out recognitional strikes. Keep in mind that when the bill was presented to the House, recognitional strikes were allowed in. Later on it appears that they put them back in. They take them out on one page and put them back in on the next page, because this is what it says:

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization * * *"

Mr. Chairman, we really are confusing the issue with this. I know it is well-intentioned, I know what the meaning was, and I know it was to cover some people. But it is not doing that. We had better go back to the drawing board and make very sure we know what we are putting in here.

Again it would appear they are protected no matter how because of course, as I indicated, it says 30 days. Suppose that they then rule at the end

of the 48 days or the 6 months that it may take them to make decision that they have not certified. I guess they are still protected. I would think so, the way I read it.

So I am hoping that if we are going to enact something that is as bad as H.R. 5, we would not compound the problem and put something in that is well-meaning but that has had no serious deliberation about it and no one is carefully examining what we are doing.

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

Mr. PETERSON of Florida. Mr. Chairman, I would request that the Chair inform us as to the time remaining.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. PETERSON] has 28 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 26 minutes remaining.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in support of H.R. 5, the Workplace Fairness Act, which would make it illegal for employers to hire permanent replacement workers during legal strikes, and urge my colleagues to support this important legislation. Further, I commend the leadership of the Education and Labor, Public Works and Transportation, and Energy and Commerce Committees for their responsible stewardship of this bill. And to further improve H.R. 5, I am proud to support this substitute amendment offered by Mr. PETERSON of Florida. Quite simply the Peterson amendment further clarifies that the bill does not apply to nonunion workplaces.

Quite a number of misconceptions—and just a few too many misleading reports and statements—have circulated about this bill.

First, as amended in committee, and to be further clarified by the Peterson substitute, H.R. 5 does not apply to nonunion workplaces. Just a few days ago, the American Law Division of the Congressional Research Service concluded:

> As amended, the bill would prohibit the granting of permanent replacement status or other employment preference only to those individuals who perform bargaining unit work in a labor dispute.

It has also been said that H.R. 5 would encourage workers to strike. Nothing could be further from the truth. The individuals who make these statements cannot know or understand the hardship that a strike brings every worker and his or her family. If anything, American workers want to avoid strikes as much or more than their employers.

Some say this legislation will drive American jobs to foreign countries. This is the same threat we heard when we passed a plant-closing notification law. It is simply unfounded. American workers are among the most productive in the world and no employer interested in quality and productivity is going to seek a foreign home for fear of this legislation.

And what do we know to be fact? During the 1980's, increasingly, employers replaced striking workers with permanent replacements. In a few cases, firms placed ads for new workers even before a strike began. In the case of Eastern Airlines, Frank Lorenzo acquired a healthy company, subsequently reduced benefits, and refused to bargain fairly with workers. That created a hostile labor-management environment, a faltering company, and, as we know, eventual bankruptcy. This example was repeated throughout the country in various industries.

This legislation does not ban the use of temporary replacements, nor does it impede the ability of an employer to shift work to nonunion workers or facilities in order to continue business during a strike. The employer retains those rights. In my view, passage of this legislation will promote more effective labor-management relations and reduce the number of work stoppages. The bottom line, Mr. Speaker and colleagues? American workers should not be forced to sacrifice their jobs in their attempt to obtain a fair pay and benefit package.

I urge my colleagues to support this amendment and to support this important measure on final passage.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY], a member of the committee.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the substitute offered by my colleague, the gentleman from Florida [Mr. PETERSON].

The substitute makes a fix to provisions of H.R. 5 which prohibit permanent replacement where unions only presume to represent nonunion employees. By requiring that the union file a petition signed by a majority of workers asking for union representation to obtain protection from permanent replacement, in effect a union could then get such majority support for union representation exactly 30 days before planning a strike and file a petition, which would be a shield from permanent replacement.

The National Labor Relations Board General Counsel summary operations for 1990 states that it regularly takes the regional offices of the Board 48 days to act on a petition for representation. Therefore, the Peterson substitute provides an automatic shield from permanent replacement within the time frame in which the Board cannot properly act on the petition, check the authenticity of the signatures, and find it insufficient to certify the union.

I might say, Mr. Chairman, that if in fact we pass this, we would find a phenomenon like the one we saw in Texas at the election of Senator Johnson a few years ago when it was said that "if I should die, bury me in Duval County so I can remain politically active."

□ 1620

I expect we will find a lot of folks in Duval County found to be politically active in the union under these circumstances.

The amendment is therefore a catch-22, forcing nonunion employers to forego employment on the basis of a unified illegal union representation petition. The result could be that businesses shut down until the board's regional hearing officer and regional director make an initial determination of the veracity of the petition. If the hearing officer and regional director state that the petition is insufficient, the union could appeal that decision to the National Labor Relations Board.

Does such an appeal process act as a stay on hiring permanent replacement workers? This is a question unanswered in the amendment.

Because the Peterson substitute creates a whole host of new problems concerning the sufficiency of representation petitions, it ties the hands of nonstriking workers while a petition is being verified.

Mr. Chairman, I must oppose the substitute, and urge Members to do the same. It is a shoddy piece of work, cobbled together in the past 24 hours, without the benefit of consideration by either the Committee on Education and Labor or the Committee on Rules. But, never mind. It was not intended to be passed in the first place, but only to provide for those who know better, but cave in to union pressure, a chance to cover their backsides.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Chairman, most of us understand very well the need for this legislation and how much working people care about it. Opponents speak of introducing an "imbalance" in labor-management power. But the imbalance has already been introduced, as more and more employers have hired or threatened to hire permanent replacements, making a mockery of existing prohibitions against firing workers for exercising their right to strike.

It is very important, however, to craft this bill carefully, to make certain we are dealing only with organized shops within the confines of the National Labor Relations Act.

Mr. Chairman, I became alarmed some weeks ago as various small business representatives came in to see me, having been told by their national associations that they were threatened by this bill. That is why, along with other Members, I wrote the gentleman from Michigan [Mr. FORD] and the gen-

tleman from Montana [Mr. WILLIAMS] some weeks ago asking for a clarifying amendment, and why we were gratified by their adoption of an amendment in committee to address this problem.

However, a gray area remains in the realm of recognition strikes, which a number of us have been working this past week to clarify. The result is the substitute amendment which the gentleman from Florida [Mr. PETERSON] now offers.

Mr. Chairman, the Peterson substitute would limit the coverage of H.R. 5 to situations where the union is certified by the NLRB, the union is recognized by the employer, or the union has been supported by petitions of a majority of the workers and has waited 30 days after filing for a representational election with the NLRB.

In other works, the amendment makes absolutely clear that nonunion workplaces are not covered by this bill. It draws clear and precise lines as to where and when the bill would apply.

Mr. Chairman, this bill offers a defensible threshold for defining the bill's coverage. But just as important as which threshold is chosen, is the fact that we are choosing a definite threshold. We are removing any vagueness as to who is and who is not covered, thus laying to rest these charges that the bill will have an uncertain and indiscriminate impact.

Mr. Chairman, this is a well-conceived amendment, and I urge its passage, and with it, the approval of the revised bill.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I rise in strong opposition to the Peterson amendment.

Mr. Chairman, what is the difference between the Peterson amendment and H.R. 5? Thirty days. That is the only difference I can determine between the gentleman from Florida's amendment and H.R. 5.

The Peterson amendment represents business as usual in the House of Representatives. His amendment became public knowledge Monday, and my office received a copy of it last night. Just like the civil rights bill, no one knows what will be considered on the floor until the Democratic caucus acts—usually the day before the vote. If there was a problem with H.R. 5, it should have been debated in the committees of jurisdiction, not the Democratic caucus.

I think it is very important for everyone to know that the only difference between this substitute amendment and H.R. 5 is 30 days. That is it—1 month. The Peterson amendment is supposed to limit the use of replacement workers to only union settings. However, there is a huge loophole in his amendment. It would ban the use of permanent replacements if the workers have filed a petition with the National Labor Relations Board, and the Board does not act on the petition in 30 days.

The right not to join a union is just as essential as the right to join a union. None other than Samuel Gompers, the founder and first president of the AFL, said in 1918:

> There may be here and there a worker who for certain reason unexplainable to us does not join a union of labor. That is his right. It is his legal right, no matter how morally wrong he may be. It is his legal right, and no one can or dare question his exercise of that legal right.

Unfortunately, Mr. Gompers is not the current leader of the AFL. H.R. 5 would end this legal right of choice in union matters, by giving union members a greater set of rights than nonunion members. H.R. 5 disenfranchises the rights of 85 percent of the American work force, and grants protection to a small minority of workers. In the process, it destroys workers choice. The only way to protect your rights as a worker, if H.R. 5 were to become law, is to join a union. So much for Mr. Gompers sacred right.

What does this change? Absolutely nothing. The Peterson amendment is still a union organizing tool, like H.R. 5. The Peterson amendment still gives union members a greater set of rights than nonunion members, just like H.R. 5. The Peterson amendment still leaves companies with two choices—accept all union demands or go out of business—just like H.R. 5. The Peterson amendment still affects every small business in the country, just like H.R. 5. And, the small business community is opposed to the Peterson amendment, just like H.R. 5. There is no cover provided by this amendment, and don't for a minute think you can fool your constituents with the Peterson amendment. It is H.R. 5 plus 30 days. Oppose the Peterson amendment.

Mr. PETERSON of Florida. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise today in strong support of H.R. 5, the Workplace Fairness Act. I commend Chairmen FORD, DINGELL, and ROE for their commitment to this legislation and this Nation's workers.

Mr. Chairman, the Workplace Fairness Act seeks to restore the fair balance between labor and management, to improve the standard of living for American workers and American competitiveness. This legislation amends the National Labor Relations Act and the Railway Labor Act to prohibit employers from hiring permanent replacements for workers in an economic strike. It prohibits employers from giving any employment advantage to a striking worker who crosses the picket line to return to work before the end of a strike. It is important to note that this measure does not apply to nonunion workers. It thereby protects employers against undisciplined work stoppages by employees who have no identified representative authorized to settle or negotiate their differences.

In the last 10 years the use of permanent replacements has increased. In fact a GAO study showed that employers hired permanent replacements in approximately 17 percent of the strikes reported in 1985 and 1989. In about one-third of the strikes, employers threatened to hire permanent replacements.

In point of fact, there is no need for permanent replacements because employers can operate their businesses without replacing strikers. Management has a host of other options to utilize during a strike. They can hire temporary workers. They can use supervisory or management personnel. They can transfer or subcontract. Most important, they can negotiate.

If our trading partners and competitors can do it, so can we. Japan, Germany, Canada, and France all prohibit the use of permanent replacements for striking workers. So should we. The United States is falling behind in quality and productivity. Not only have real wages for American workers declined but so too has our competitive edge. We need to strengthen the balance so that employers and employees work together rather than continue to watch the balance erode in favor of management which may in turn no longer bargain in good faith.

For example, in my own district in 1986, employees of Colt Firearms struck after working for almost a year without a contract. Management replaced striking workers immediately. After much negotiation, many issues were close to being settled—except the issue of the permanent replacement workers. The economic liability favored the company with respect to the replacement workers. Over 3 years later the strike ended—not when negotiations were completed—but when the employees who struck successfully bid to purchase the division. Similar long-term strikes have occurred in Connecticut. But this particular strike was the longest in Connecticut's history. And needless to say, it was devastating.

Management systems that encourage worker involvement are essential to increasing opportunity for success, from the smallest of companies to the largest of corporations. Promoting cooperation in industry—as a Nation—we enhance our efforts to compete globally.

In 1935, the National Labor Relations Act was created. It promised workers a fair opportunity to engage in collective bargaining. The act itself states that workers shall have the right, without fear of employer discipline or discharge, to join unions, to bargain collectively, and, if no agreement can be reached, to participate in a peaceful strike to further their bargaining goals. Collective bargaining is an integral part of the maintenance of labor-management relations. This system was established to treat both employer and employee as fairly and as equitably as possible. H.R. 5 reestablishes that fair treatment, that balance.

I urge my colleagues to join me in supporting H.R. 5, the Workplace Fairness Act.

Mr. PETERSON of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I am pleased to rise in support of the Peterson substitute and I commend the gentleman from Florida [Mr. PETERSON] for his construction modifications of

this measure. I commend the distinguished gentleman from Missouri [Mr. CLAY] for proposing this legislation and the distinguished chairman of the House Committee on Education and Labor [Mr. FORD] for his efforts in bringing this legislation to the floor at this time.

Mr. Chairman, throughout the history of labor-management relations, it has been extremely difficult for the Congress to strike a proper balance. Back in 1935, Congress adopted the Wagner Act, giving workers and unions the support they needed in their efforts to negotiate with management. One of the crucial protections granted to labor was the right to strike. However, in 1938, the Supreme Court curbed that right, in what is known as the Mackay Radio decision, wherein the Court ruled that management had the right to "permanently replace" strikers who were pursuing economic gains including wages and other working conditions. I do not believe that this decision accurately reflected the true intent of Congress in the Wagner Act.

Despite what seemed to be a severe blow to the labor movement, the Mackay decision proved to strike an even balance between labor and management. Unions still had the right to strike, while management maintained the ability to continue its business operations. Whenever a strike would occur, management was not so quick to part with their hard working, highly devoted work force because the company would incur substantial costs in the hiring and training new workers, and it would be further inhibited to replace workers because of the ill will it would have created in the community. All these factors were counterproductive to the welfare of the company. Thus, the net effect appeared to be a fair balance that kept both sides functioning.

However, over the last decade, relations between management and labor have taken a turn for the worse. A number of companies have permanently replaced their strikers when the opportunity presented itself. Workers are being punished for exercising their rights which were guaranteed by the Wagner Act. Our hard-working citizens, the people who have been diligent and loyal to their companies are being punished for exercising their right to strike for improved working conditions and increased wages.

We all recognize that it is difficult to determine just what is fair and what is in the best interests of our Nation with regard to labor-management relations. While I strongly support management's right to continue its operations, during a labor dispute we must also consider the other side of the coin. Do unions actually have the right to strike when management is permitted to hire permanent replacements? While on paper, the unions still have the right to strike, in reality Mr. Chairman, this right has been eroded. What good is the right to strike if an employee jeopardizes his employment? Under these circumstances, do union workers really have a fighting chance in their efforts to improve working conditions. The playing field in labor-management relations is supposed to be equal, yet, today it is being heavily tilted in management's favor.

For those of us who are concerned that we may be giving labor enough power to bring commerce to a screaching halt, let us consider the following: First, H.R. 5, only protects those workers which have a union acting on their behalf in a legitimate collective bargaining dispute. This bill does not apply to the ordinary worker who is dissatisfied with work and walks off the job for a few hours, days or weeks. Second, unions are at their weakest point in history since the Wagner Act was passed. Approximately only 16 percent of our current industrial work force is organized. H.R. 5 does not swing the balance of power to the unions since it only protects a small fraction of the total work force in this country. Third, there will less strife when bargaining. There will be less incentive for strikes which means that commerce will continue at its normal pace, leading to greater productivity, output and fewer losses credited to strikes.

Mr. Chairman, we all recognize that by no means is this an issue which can possibly be resolved. However, it is our duty to make difficult decisions that will hopefully enhance the lives of our citizens and the welfare of our Nation. Let us consider what will enhance the welfare of our citizenry and country. I believe it is our responsibility to reinstate the Wagner Act's intent to provide the right to strike to the workers of our country. That right was once guaranteed to them, but the Supreme Court subsequently denied them that right and deprived them of a truly valid and necessary bargaining tool to use in their pursuit of a healthier physical and economic life. We must balance the scale of justice.

Mr. Chairman, the Committee amendment restricts coverage of this bill to circumstances in which there is a majority support for a union. The Peterson substitute further restricts coverage of this bill to 30 days after a petition for an election has been filed and that petition has to be supported by 50 percent of the workers.

Moreover, the Peterson substitute assures that an employer can get a representation election before any recognitional strike can occur and the NLRB can hold such an expedited election within 30 days.

Accordingly, I urge my colleagues to make the playing field equal once again by allowing labor to compete with management on fair terms by supporting the Peterson substitute and by adopting H.R. 5.

□ 1630

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I do not know that I can add a whole lot to this debate in that everything has already been said in opposition to H.R. 5, but I would like to point out a couple of things, especially to those Members who think they can hide under the cover of the Peterson amendment.

The proponents of H.R. 5 in my opinion have no sense of history and they are totally bankrupt in their economic philosophy. They say that we have got to have H.R. 5 because there is massive replacement of strikers all over this country, when Member after Member has come down to this well and refuted that by citing a GAO study called for by the proponents of H.R. 5 themselves that showed that only 4 percent of striking workers have been replaced. There is no massive crisis in this country. The proponents are bankrupt in economic philosophy, and I think Americans are starting to realize that. They have been totally discredited. And when they start asserting that over the 1980's, the rich have gotten richer and the poor have gotten poorer and the middle-income families have lost their standard of living, when the facts and history have shown that is absolutely not the case. It is not the case, and they still come down here in the well and continue to throw out these discredited figures.

Now, when they come to the floor and tell Members that the Peterson amendment is going to protect nonunion workers, my colleagues from right-to-work States better look at this amendment very closely because the way I understand the Peterson amendment, members of a bargaining unit cannot be replaced when they have filed a petition for recognition at least 30 days before commencement of a strike. What that means in practice is the unions go in and sign up 50 percent of employees in a company plus one; that is a majority by my definition. And they go on strike, forcing the other 50 percent of the nonunion workers to go on strike because if they cross the picket line, they can be bumped after the settlement of the strike and more senior strikers return to work.

So right-to-work State Members better look at this very closely because the impact of H.R. 5 along with Peterson means that nonunion workers are totally affected.

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

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

Mr. BERMAN. Mr. Chairman, I do not understand the point of the gen-

tleman with respect to the remaining employees being bumped. First of all, if a majority, 50 percent plus one, as the gentleman said, 20 percent more than is now required, file a petition with authorization cards, wait 30 days to give the NLRB a chance and the employer a chance to agree to a quick election to determine majority sentiment through a secret ballot election, there is no replacement unless they wait that 30 days.

The question I have is, other than some contractual agreement that the employer has agreed to, what gives those people a right to bump the people who have remained on the job? The gentleman's point is incorrect. There is nothing in this bill, in this amendment by the gentleman from Florida [Mr. PETERSON] or in existing labor law which gives those striking employees the right to bump the employees who chose not to go out on strike.

Mr. DELAY. In practice, when one comes back in the settlement of a strike, most of the time they come back in and by seniority can bump nonunion workers that have crossed over the picket line and kept their job.

Mr. BERMAN. If the gentleman will continue to yield, the replacement workers——

Mr. DELAY. Mr. Chairman, reclaiming my time, I think we know how this operates in that nonunion workers who do not want to belong to the union are forced to participate in the strike, and we know how things work and history has proven how they work. They will be in effect bumped when the strikers come back in settlement of the strike.

It happens all across this country and has happened in history after history of settlements of strikes. So we are in a sense pulling nonunion workers and not covering them by the Peterson substitute. I just submit that Members better really look at this because it is not covered and H.R. 5 still remains in upsetting that delicate balance that we have been enjoying over the years since 1938.

The CHAIRMAN pro tempore (Mr. NAGLE). The gentleman from Texas [Mr. DELAY] has consumed 5 minutes.

Mr. PETERSON of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 5 and the Peterson amendment thereto.

Mr. Chairman, I rise in support of H.R. 5, the Workplace Fairness Act, which will ensure that American workers cannot be permanently replaced when exercising their right to strike. H.R. 5 will also prohibit discrimination against striking workers who return to their jobs once the dispute is over. The Workplace Fairness Act will prohibit employers from giving any advantage to a striking worker who crosses a picket line to return to work before the end of a strike. It will protect hard-working Americans when they take a stand for their families.

Since 1935, the National Labor Relations Act has guaranteed workers the right to join unions and engage in collective bargaining to protect their basic interests. The right to strike gives workers the right to withhold their labor during these negotiations. It provides American workers with economic leverage in their bargaining relationship with management. It is one of the only tools they have to protect what they have worked for. Without the right to strike, the economic balance in the collective bargaining system is undermined in favor of the employer, who no longer has the obligation to bargain.

In 1938, the Supreme Court ruled that an employer can permanently replace striking workers. At the same time, however, the Federal Government has also insured that employers cannot fire workers for exercising their right to strike. So, the American worker is caught in a bind: Free to strike, but under the fear of being permanently replaced while exercising this right.

Regardless, permanent replacement of striking workers was rare until 1981, when then-President Reagan fired the striking air traffic controllers and immediately replaced them with permanent workers. Since that time, thousands of workers exercising the right to strike for improved working conditions or better pay have actually lost jobs to permanent replacements.

While the Workplace Fairness Act does protect the rights of the worker, it is also flexible enough to provide protection for the employer, too. An employer can continue operation during a strike by subcontracting or using temporary replacements or management and supervisory personnel. And, contrary to what opponents of this bill maintain, the Workplace Fairness Act only applies to workers who engage in lawful economic strikes; it does not require an employer to reinstate strikers who engage in violent acts. And it does not apply to nonunion facilities.

Workers do not casually exercise their right to strike. The strike is the American worker's last resort—to be used when all other negotiation attempts have failed.

The Workplace Fairness Act will insure that American workers can exercise their legal right to engage fully in the collective bargaining process, without the fear of losing their jobs. It will restore their historic right to challenge corporate decisions that threaten their future. I urge my colleagues to support this legislation.

Mr. PETERSON of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of H.R. 5.

Mr. Chairman, I will certainly vote for H.R. 5. I would strongly urge my colleagues to do the same. Frankly, I don't think the controversy and opposition is justified with the committee reported measure to prevent the permanent replacement of working men and women exercising their rights.

This legislation is very modest. It applies only to economic strikes and only to collective bargaining situations involving organized labor. It addresses the rights of workers. Its perscriptions will not be needed in 97 percent of the collective bargaining sessions that take place each year.

Yet its adoption because of unprecedented actions of the past decade will signal a new day in labor relations, for it will create a bargaining arena in which the incentive for both labor and management is the peaceful, mutual settlement of disputes by persons who realize that their future lies in working productively together. H.R. 5 will restore a balance that is today lacking. Bernie Brommer, president of our Minnesota AFL–CIO, made the point well in his testimony last winter before the Minnesota Legislature which was considering similar legislation:

> The fundamental goal of collective bargaining is to achieve a settlement of the negotiations that is acceptable to both parties. The goal is not to achieve a situation where one party can succeed in the elimination of the other.

This legislation is needed today not because the Supreme Court in 1938 made a faulty or poorly reasoned decision in the Mackay case. It is urgently needed today because hiring permanent replacement workers became a common practice for managers to inflate short-term profits through wage brinkmanship. This practice, although permitted by the Mackay ruling, had been spurned by management and the National Labor Relations Act was, in fact, working nothwithstanding the Mackay Radio case. Today the troubles of hundreds of thousands of working people who lost their jobs in the 1980's after exercising their right to strike is a new fact of the labor/management environment. Unfortunately a public deception and media tends to personify a negative attitude toward working men and womens rights.

President Reagan struck a chord by firing the air traffic controllers. A new common denominator prevailed and if an American President could do what he did to the air traffic controllers, then surely, some business management advisers preached, it would be acceptable for the business community to search the record to find rulings and regulation to subordinate the worker. Fairness and good faith bargaining, the hallmark of good collective bargaining, was thrown out the window in the process. Just as the deregulation of the savings and loan industry served as a signal to the ambitious and unscrupulous to make their fortunes by managing for short-term gratification with little thought of the future beyond the current reporting period, so too have some in the service and manufacturing sectors pressed their advantage in bargaining by hiring permanent replacement employees. They had the White House, the decline in historically strong unionized sector economy and pressed the advantage as far as possible.

The incentive for management, for that select part of management that is on the edge of acceptable behavior, that gets publicity for their outrageous, even daring innovations, is, in fact, an incentive not to settle wage disputes reasonably with a degree of mutual respect that contributes to a stable, satisfied, efficient work force. Such practice is a terribly deceptive incentive, for it leads to less profit rather than more in the long run and to a less competitive American economy today and tomorrow. Last March, Business Week compared the outcomes of union busting versus

cooperative relations with unions. Frank Lorenzo's Eastern Airlines is in liquidation. His Continental Airlines unit is in bankruptcy. Greyhound Lines is in bankruptcy. In a 1986 study of 56 manufacturers, William Cooke of Wayne State University found that "employers that had tried teamwork—about half of the sample—reported a 19-percent increase over the decade in the value added per employees.* * * The combative employers reported a 15 percent decline." These numbers speak for themselves. Antiworker tactics are not just unfair; such tactics are bad business.

H.R. 5 has been opposed because it is said that it will disadvantage employers. Such argument falls when confronted by the recent history and facts. The notion that employers are disadvantaged in bargaining if they cannot fire their work force—some may refer to this technique as permanent replacement, but its practical consequence is that workers are fired—tilts the scale heavily to the advantage of employers.

Over the years since the enactment of the National Labor Relations Act in 1935 when this Nation determined that labor/management relations would be peaceful, the balance of economic pressures of the parties has been carefully adjusted. Union workers, men and women, may not engage in sit-down strikes; union workers may not hold partial strikes; union workers may not conduct slowdown strikes or wildcat strikes or secondary boycotts. The employer's business has been fairly protected. But the fundamental right of union workers to hold a job is compromised by allowing employers to hire permanent replacements. Temporary worker replacement permitted today would still be allowed if this new policy, this fair policy of barring the firing of striking workers, is enacted.

We must signal the business world that the decade of the eighties is over. Our Nation needs sound economic growth. We need a more efficient allocation of resources, including labor. We want a bright and prosperous future rather than short-term profits exacted from the hide of workers today or tomorrow. That can only prevail with a strong labor force capable of playing a positive role with a balance of power in the collective bargaining process. H.R. 5 restores a basic element, a necessary element for the health of our U.S. economy; elemental fairness to the working men and women in the world of work.

Mr. PETERSON of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I want to compliment the gentleman from Florida [Mr. PETERSON] for his amendment. I think it clarifies a lot of misunderstandings in this bill.

Back in North Carolina 2 or 3 weeks ago I was at a chamber of commerce breakfast. A lady came up and said, "You are going to vote for H.R. 5. You are going to force my husband, if somebody walks out of his garage, he runs an automobile dealership, that he won't be able to hire somebody to come back and to take his place."

I said, "Absolutely not." I said, "Do you all have a union out there?"

She said, "No, we don't."

I said, "Well, then it does not affect you."

Let me make a couple of points here. There is an awful lot of misinformation that goes around in this place, especially when we talk about issues that affect people. I want to refresh my colleagues' memories. It is the same people that put out this misinformation, some of the greater organizations here in town, this is going to be one of their big votes and they are going to call the people back in their districts and this is going to be recorded on Members' report cards.

I remember back, this is not anything to do with workers or labor, this was back in the Grove City, when we considered the Grove City thing. The same people were saying, "If you vote for Grove City, you are going to have to hire homosexual people with AIDS to be youth pastors." They were passing this all through the district. Then we come back along, if my colleagues remember, and this has to do with people. We were voting on the plant closing bill. And the same information, the same people were making the same speeches. "If you vote for this plant closing bill, you are going to disrupt business all across this country. You are going to cause chaos. You are going to cause people to lose their jobs, and it is going to be absolutely chaos for the economy."

□ 1640

We passed the plant-closing bill, and just recently in my district, there were some 300 people, where a plant closed and went to Mexico, and they were asked, "What about your severance pay?" They said the 60-day notification was the severance pay.

When we came to the minimum-wage bill, it was not good enough. The administration said, "We are going to veto that minimum-wage bill, because if it is too high, and if you vote for any change in the minimum-wage bill," and, incidentally, people were calling me who were making in excess of $200,000 a year, and those were the only people that were calling me, so when we changed the minimum wage, according to all the statistics, it has not disrupted the economy. It has put a few more dollars in the pockets of working people.

To me, I do not understand what you have against working people. I urge that you support this amendment and support the bill.

Mr. GOODLING. Mr. Chairman, I yield myself 15 seconds just to merely say that we have nothing against working people. As a matter of fact, we want to try to protect their jobs, and that is why we have real concern about this particular bill, and when we talk about working people, we are talking about 100 percent of the working people, not 12 percent, which is what this bill deals with.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from the State of Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I rise to engage the author of the amendment, the gentleman from Florida [Mr. PETERSON], in a colloquy.

I note that the gentleman's amendment would amend the section of the bill dealing with the National Labor Relations Act but makes no changes in the text reported by Energy and Commerce and the Public Works Committee with respect to the Railway Labor Act.

It is my understanding that the gentleman's amendment ties into section 8(b)(7) of the NLRA, which limits the right of employees to engage in recognitional picketing. Because there is no comparable provision in the Railway Labor Act, there was no need to address this issue in the amendment for railroads and airlines.

Is my understanding correct?

Mr. PETERSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I am happy to yield to the gentleman from Florida.

Mr. PETERSON of Florida. Mr. Chairman, the gentleman is correct.

Mr. SWIFT. Mr. Chairman, I thank the gentleman from Florida. I would also observe that no instance has been brought to our Committee's attention of Railway Labor Act employees being replaced for engaging in recognitional picketing. Does the gentleman from Florida agree that this amendment expresses no opinion on the correctness of any judicial decisions in this area under the Railway Labor Act and that we are not addressing the issue here simply because there is no need to?

Mr. PETERSON of Florida. If the gentleman will yield further, I agree with the gentleman from Washington.

Mr. SWIFT. Mr. Chairman, I thank the gentleman. I would simply note that if it should appear in the future that this issue needs further examination, our Committee may want to revisit it at that time.

In the meantime, I thank the gentleman from Florida and commend him for his leadership in offering this amendment, which I support.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I rise in opposition to the Peterson amendment and H.R. 5.

Mr. Chairman, I come to the House of Representatives as a former working person in many unions and many nonunion jobs. A few years ago, I was unemployed. My wife did not work. We had no income, no health insurance, so when I speak to the chairman this afternoon, I want to make sure that everybody knows that I understand what it is like to work for a living and scratch a few pennies to pay the bills.

I have always identified with the working man. I am a former employee, a union member, of a wire factory, a chemical plant, and for many years I was a member of the National Teachers' Association. So I am familiar with some of those issues.

Mr. Chairman, I consider myself a moderate, especially when it comes to the working men and women of this country. Unfortunately, there seem to be a lot of labor bills this session which offer little room for moderation.

Today we are looking at a bill which essentially tells business that they will purchase labor from one source only at whatever price they set or else do without.

What if, for example, we could only purchase gasoline from one service station at whatever price that station demanded or else not drive? How many of us would consider that acceptable? This analogy parallels exactly the situation that this particular bill creates.

H.R. 5 seeks to provide labor with a Government-sponsored monopoly. In any other market we would consider monopolistic pricing unacceptable.

Today we may well give organized labor exclusive control of the amount that business must spend for labor.

I realize that a strike is a tremendous hardship for workers. No one would frivolously give up weeks of wages and benefits and put their family in that position. However, it is a crippling experience for business as well.

Even the briefest shutdown can often spell a death knell for business, thus worsening the situation for the employees.

Just as I believe strikers should be allowed to seek other incomes during a strike, an employer must be allowed to take steps to see that the business does not shut down as well.

I realize that this bill does not preclude the use of temporary replacements. But what skilled worker would leave a safe, permanent job for a temporary position?

If this bill passes, I can envision three possible outcomes: Businesses give in to labor demands and either fold or raise their prices; they will move their operations to foreign countries; or they automate to minimize their labor needs. None of these are in the interests of this country or the workers.

Mr. Chairman, someday I will leave Congress and return to the labor market. At that time I will sell my services to an employer just as every other worker does, but I will not believe, as I do not believe now, that any employer must buy my services at whatever price I set or else shut down.

Mr. Chairman, I urge my colleagues to oppose H.R. 5.

Mr. PETERSON of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Chairman, I rise in opposition to the Peterson amendment.

Mr. Chairman, it is with mixed feelings that I rise in opposition to this bill as amended by my friend, Mr. PETERSON of Florida. I understand and share the strong feelings that have inspired the authors and proponents of this bill. Over the last decade, we have seen the employer's right to hire permanent replacement workers evolve from the self-defense measure, recognized by the Supreme Court in the Mackay decision and later implicitly confirmed by Congress, become a weapon used by economic buccaneers such as Frank Lorenzo to break strikes and bust unions. Such tactics have destroyed the livelihood of thousands of American families, destroyed once healthy and thriving companies and contributed to deterioration of labor-management relations throughout our country. It is a tragedy for both its human and economic impact.

Because the toll it has taken is so high and the pain so personal, our congressional response embodied in H.R. 5 is hard-hitting and far-reaching. We have let our zeal for reform cloud our judgment. Mr. Chairman, in H.R. 5, we have overreached and for that reason I must oppose it.

Mr. Chairman, we could have crafted a bill that would have attacked these terrible abuses and prevented American working families from having to suffer from the unscrupulous tactics of the modern day robber barons of the world, a bill that would have passed and become law.

Instead, we went too far and we have before us a bill that is no more than a rhetorical exercise, a painful one at that, a bill that will never become a law of this land and the workers we all want to protect will get nothing.

This bill was inspired by union busting and strike breaking activities that have become all too common in America today. We could have helped. We could have crafted a bill to prevent these abuses. Instead, people with other agendas loaded up this bill with organizing tools and other intiatives that have assured it will never become law.

The abuses we sought to attack did not call for a bill that applies to nonunion workplaces. In fact for months, the bill's proponents claimed it did not apply to nonunion workers. A last minute amendment smoked out the true intentions of the bill's authors and put in black and white that it does apply to nonunion workplaces, not always, but in the most critical period in management-labor negotiations, the organizing phase. This was a back door effort to hitch an unrelated issue to a powerful engine of reform. A back door effort that will contribute to the bill's sure death, either by the Senate or by veto.

The overreaching does not stop with this example. The bill treats all employers, regardless of their record of labor relations and the specific needs of their industry, as if they are unscrupulous labor exploiting operators, providing no relief for legitimate and humane business needs essential to preventing a business from going under and destroying all of its jobs when it goes.

Mr. Chairman, we got greedy. We went too far. Everyone in this chamber knows this bill has no chance of ever becoming law. If it passes the Senate, and the Senate may never consider it, it will fall to a veto. Perhaps we have staged great political theater, a great afternoon soap opera for television viewers, but we have done nothing for the people we claim to serve. We have seen an afternoon of all sound and no fury.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I have been sitting here attentively listening to this debate. I must say that, contrary to the claims of the opponents, passage of H.R. 5 will not lead to the ultimate demise of this Republic.

What we are seeking to do with this legislation is to protect basic rights. Now, under present law, if workers are on strike as a result of a dispute with management, those workers cannot be fired, but they can be permanently replaced. I happen to agree with that business journal of commerce which says that that is a distinction without a difference.

But then the opponents claim and they say that if you pass this bill that is going to encourage strikes as if the working men and women of America are just sitting back there waiting to go out on strike, because the opponents claim that if they go on strike, they pay no penalty and management suffers.

My colleagues, when workers go on strike, they lose something very basic: their weekly paycheck. Workers in America do not want to go on strike. No one wins in a strike. I think we can all agree to that.

Second, then, I have heard repeatedly that this will cover everyone in all the workplaces. Simply not so.

In the Committee on Public Works I was able to have an amendment passed, and in the Committee on Education and Labor, my colleague, the gentleman from Montana [Mr. WILLIAMS], was able to have an amendment passed that addressed that very issue.

I have for all of my colleagues a 7-page memorandum from the American Law Division of the Library of Congress. The memo is entitled, "Would H.R. 5, as Amended in the Committee, Still Apply to Nonunion Employees?" The answer is clearly no.

I will sum up what this 7-page memo says: "H.R. 5, as amended, could not apply to employees in a nonunion workplace."

Do you know what this reminds me of, this debate, with all the exaggerations and all the hype? It reminds me of Woody Allen, one of my favorities. Woody Allen, in his address to graduates, said this, more than any time in history, we have arrived at the crossroads. One road leads to hopelessness and despair, the other to total extinction. Let us pray we choose wisely.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to my col-

league, the gentleman from Delaware [Mr. CARPER].

□ 1650

Mr. CARPER. Mr. Chairman, if I were an employer whose unionized work force voted by secret ballot to go on strike, and I found that I was denied the right, the opportunity to replace them, even on a temporary basis with other employees, I would not like it. I would raise bloody something.

On the other hand, if I am an employee working for somebody, and I have voted with the majority of my fellow employees, that we want to be represented by a union, and that union has negotiated a labor contract, multiyear, for a period of time, with our employer or employee, and we come to the end of the 2- or 3-year period of time, and I find that if I want to go on strike I can do so, but I will be replaced not temporarily but permanently, I would be just as angry as the employer would have been in the first instance.

I think where we stand, sometimes determines what we perceive to be beauty or fairness. Where I stand, it would not be fair to say to an employer that they cannot hire even a temporary employee; by the same token, it is not fair to the employee, to say that they will be permanently replaced if they go on strike.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, today, I rise to join my colleagues in support of the Peterson substitute to the Workplace Fairness Act.

Throughout the debate on H.R. 5 we have heard criticisms that this bill is a radical step that would tilt the balance in labor-management relations in favor of labor. We have heard that organized labor is only using this bill to bolster declining membership. And we have heard that this bill is so broad that it would cripple management's ability to fire any worker who walked off the job. These allegations are simply not true.

There is no argument that workers have the right to withhold their labor in an economic strike. The Railway Labor Act of 1928 and the National Labor Relations Act of 1935 affirmed that right and ensured that neither side should have an advantage in resolving a labor dispute. But in 1938, the Supreme Court ruled that while workers could not be fired, they could be permanently replaced.

We know that the right to permanently replace striking workers is the right to fire striking workers. Eastern Airline employees were not permanently replaced, they were fired. Continental employees were not permanently replaced, they were fired. In the TWA strike, the Greyhound strike, the International Paper strike, and in strike after strike in the past decade, we have seen the striking workers fired under the guise of permanent replacements. H.R. 5 corrects this injustice and protects the jobs of those workers who are practicing their legal rights by prohibiting permanent replacements.

This bill does not apply to nonunion shops. It only applies to shops in which the union is the bargaining authority. Contrary to the fears of the chamber of commerce, two workers cannot bind together, claim they have an economic dispute and walk off the job. This does not happen in the real world and is not covered in the legislation. To further clarify this provision, Mr. PETERSON is offering a substitute that distinctly delineates the instances in which this bill would and would not apply.

While we debate this bill and delay the enactment of this legislation, we are seeing labor-management relations in this country further decay and our competitiveness in the global market further decline. We simply cannot be productive without strong relations between workers and managers. Our economy was strongest and our products irresistible in the global market, when our unions and managers worked together and trusted each other. It is no coincidence that we have lost markets to our Japanese and German competitors who protect their workers and encourage cooperation between management and labor.

I urge my colleagues to restore our global competitiveness and restore the trust between labor and management, and protect our workers. I urge my colleagues to vote with me in favor of Peterson substitute and in favor of H.R. 5.

Mr. Chairman, the Peterson substitute prohibits the permanent replacement of strikers when the strike involves: A union certified by the NLRB; a union recognized by the employer or; a union, supported by a majority of the workers, that has waited 30 days after filing for a representational election with the NLRB.

The amendment makes it clear that nonunion workplaces are not covered by the bill.

It draws a clear and precise line as to when the bill would apply.

Mr. Chairman, concerns were raised that the original bill would apply to nonunion workplaces. The committee bill amendment restricted coverage of the bill to circumstances in which there is majority support for a union.

The Peterson amendment further restricts coverage of the bill to 30 days after a petition for an election has been filed. The petition has to be supported by 50 percent of the workers.

The Peterson amendment assures that an employer can get a representation election before a recognitional strike can occur. The NLRB can hold an expedited election within the 30 days.

The amendment draws a clear line as to when strikes would be covered by the bill.

The only time a "recognitional" strike can occur under the amendment is when the employer has delayed the holding of a representational election.

Under the amendment an employer can assure that the only kind of strikes covered by the bill are those that arise after a union is recognized or certified.

The amendment is a reasonable compromise that labor has reluctantly agreed to support. It makes it clear beyond any doubt that the bill does not cover nonunion workplaces.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, it appears that the CFS and the majority staff of the proponents of the bill have an ongoing dialog since: First, the April 4, 1991, CRS memorandum quotes the majority staff; second, an amendment is proposed based, in part only, on recommendation of the CRS memorandum, but uses that initial memo for authority, and then third, the second May 7, 1991, CRS memorandum attempts to justify the proponents arguments regarding the offered amendment.

Second, the CRS memorandums are inconsistent in two important respects, but handled rather subtly by the second memorandum.

Although both memos quote the short title of the bill in their introduction sections, which mention labor disputes and this term is used in the discussion section of the April 4, 1991, memo, but the broad definition of such is never adequately addressed, particularly since: First, the memo of April 4, 1991, incorrectly states that the purpose of H.R. 5 is to prohibit employers from hiring permanent replacement employees in the course of economic strikes. The CRS memo of May 7, 1991 changes this to prohibiting employers from permanent replacing strikers. Although obviously inconsistent, both are also totally incorrect. Both the original bill and the amendment, and all discussion by the author of the amendment, declare that the bill and amendment apply in labor disputes, a term which goes way beyond strikes. Second, the original April 4, 1991, CRS memo leads me to believe that the definition of labor organization can be very liberally construed—that is, that two employees who protested working conditions could constitute a labor organization under the very expansive definition of that term; see April 4, 1991 CRS memo, pages 4 and 5. However, the CRS memo of May 7, 1991, seems to withdraw from the expansive explanation—which has caused much consternation and insecurity of the proper definition of labor organization among Members—and now claims that a majority of employees must have a representative to be a labor organization because only then could it bargain with the employer. This astute reasoning is not incorrect, but appears to change

emphasis only for the purpose of supporting the amendment proponents' claim that the bill will now apply only in a unionized setting—a false assertion.

MAJOR INCORRECT ANALYSES

The big mistake in the CRS analyses of H.R. 5 is the failure to comprehend the usage of certain terms.

First, both CRS memos are confused as to the term "bargaining unit work." The memos contend that bargaining unit work in H.R. 5 involves only union settings since a bargaining unit must be a unit which a majority of employees have designated or selected a representative. Further, the May 5, 1991, memo states that H.R. 5, as amended, "could not cover an informal, minority group of employees in an unrepresented workplace, because the employer, by law, could not recognize and bargain with such a group."

The contentions make no sense in the practice of labor law. First, bargaining unit or bargaining unit work are terms not defined in the National Labor Relations Act [NLRA]. However, the representation section, section 9, provides that the National Labor Relations Board [NLRB] shall determine the unit appropriate for the purpose of collective bargaining which may be the employer unit, craft unit, plant unit, or subdivision thereof. There may be a unit appropriate for purposes of collective bargaining, and usually is, although no union has been selected or designated to represent the employees in the unit. This is particularly true where an election has been held, pursuant to board direction, but no union has been selected. The unit remains appropriate. There may be other appropriate units in which no election has been requested or held. A union need not be in the picture for a unit to be appropriate.

An appropriate unit for bargaining consists of employees with mutual or similar interests in similar circumstances, that is, community of interest among employees. Furthermore, the Board determines the appropriateness of a unit before an election is held.

The May 7, 1991 memo states, "Given the intent to limit the bill to bargaining units," but nowhere was this intent stated or explicated by its sponsors. Contrary to the statement in the May 7, 1991 CRS memo, in both (6)(i) and (6)(ii) of H.R. 5, as amended, the term "bargaining unit work" is used—not collective bargaining unit, nor appropriate unit, not appropriate bargaining unit. The fact that the term includes work, and is focused on the term "work" is emphasized in (6)(ii). There, the term "bargaining unit work" is clearly declared by the latter term "to perform such work."

Accordingly, use of the term "bargaining unit work" does not exclude nonunion settings. As a matter of fact, the amendment offered by Mr. WILLIAMS makes it definitely more clear that H.R. 5, as amended, is meant to apply to unorganized settings. The May 7, 1991 CRS memo makes the mistake of speaking, on page 1, of an existing bargaining unit. Nowhere does the bill, as amended so state, and nowhere have the proponents so stated.

Second, the CRS memos mention labor dispute in certain places, but never adequately explain why that term is used where it is in the bill, instead of economic strike. In reading H.R. 5, as introduced, or H.R. 5 as amended, if the proponents wanted only to overrule the Mackay doctrine, they would have—could have—used the term economic strike. To do so would have limited the effect of the bill to its stated intent. In using the term labor dispute, the proponents have greatly expanded the reach of the bill. Although the CRS memo of May 7, 1991 notes that the definition of labor dispute is expansive—page 4—the memo fails to recognize the reason for this expansive term, and, incorrectly, finds that because of other definitions it cannot be as expansive as it really is.

The word strike is nowhere in the bill as introduced or amended. As noted, the May 7, 1991 CRS memo incorrectly explains bargaining unit and bargaining unit work. Therefore, the conclusion, which uses those terms incorrectly defined, fails to understand the impact of labor dispute, as well. Since a labor dispute encompasses any problem between an employer and a union, or between an employer and employees, or between an employee and a union, or between an employer and nonemployees, or even between two unions, it is obvious that the term goes beyond a strike or an economic strike. Accordingly, the bill, as amended, prohibits an employer from permanently replacing an employee who goes on strike—or misses work—for reasons totally unrelated to an economic strike. For instance, an employer would commit an unfair labor practice if he or she replaced an employee—unionized or not—who strikes because of a jurisdictional dispute—work assignment—with another union—or group of employees. Even any prohibited activity by a union under the NLRA would not allow an employer the privilege of replacing an employee who leaves the job in support of the union, unless that individual's activities are specifically prohibited by the NLRA—that is, for cause, or loses his status as an employee, terms within the NLRA itself. A union's unfair labor practices are not imparted to individual employees. And since an existing bargaining unit does not have to be in place to have the bill take effect, if there is a representation labor dispute, an employer would be prohibited from replacing an employee who strikes for recognition within or outside the collective bargaining law as a labor dispute. There is no limiting language in the amendment.

Third, the words "collective bargaining representative" in the amendment to H.R. 5 are not as limited as the May 7, 1991, CRS memo suggests. This is so mainly because those words are modified by the phrase "labor organization that is acting as" the collective bargaining representative.

Usually, under the NLRA, collective bargaining representative refers to the labor organization or individual who represents the employees—a majority of the employees—in an appropriate unit. If, however, the amendment to H.R. 5 had wanted to keep within the usual meaning, the modifying phrase would have been "which is" instead of "that is acting as" the collective bargaining representative.

The May 7, 1991, CRS memo implies that the bill, as amended, would not apply where there is no existing collective bargaining representative. But, as worded, the amendment does not prohibit organizational activity, and the union has only to act as the collective bargaining representative of those employees seeking to organize. Under this obvious understanding and intention, the bill would prohibit an employer from replacing an employee or showing preference to a nonunion employee during the course of an organizational drive by a union.

That the above is so is reflected in the remarks of Mr. WILLIAMS, when he introduced the amendment to H.R. 5:

> The purpose * * * to make absolutely clear * * * H.R. 5 does not apply to any labor dispute or walkout that does not involve a union acting as the collective bargaining representatives of the employees involved in the dispute.

That is not saying that the union has to be the collective bargaining representative. That is not saying that an economic strike must be involved. That is not saying that the union must represent a majority of the employees in an appropriate unit.

That is saying that a union must be involved somewhere for an employee to be protected. That is saying that an employee can have a union acting as his or her collective bargaining representative to be protected against permanent replacement.

That the amendment applies to representational disputes was clear when Mr. WILLIAMS offered the amendment—page 110, Education and Labor full committee markup: "[B]argaining unit work is the term that has no meaning unless the employees have or are seeking collective bargaining." This statement clarifies that the bill, H.R. 5, as amended, is and can be, and is intended to be, used as an organizing tool. The statement by Mr. WILLIAMS is directly contrary to the May 7, 1991, CRS memo's conclusions.

Fourth, as noted, the term labor organization is inconsistently explained

between the April 4, 1991, memo and the May 7, 1991, memo. Actually, the labor organization term is useful only to clarify that preferences are available only to unionized employees or those who support a union—a first-time distinction. Actually, as used, the term labor organization will, for the first time, cause discrimination under the NLRA. Republican Members have pointed out that the NLRA protects union and nonunion employees alike in their mutual concerted activity or their right to refrain from such. This bill, as amended, says an employee can be discriminated against if he or she is not part of a labor organization. This concept is totally inconsistent with section 7 of the NLRA, the heart of the act.

Fifth, the CRS memos speak of the rights of employees to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection. That language comes from section 7 of the act. The memos also address the right to strike. Although the April 4, 1991, memo would lead one to believe that the right to strike grows out of section 7, that right is found in section 13 of the act. Remember, there is no constitutional right to strike or any other right except the right or privilege granted in section 13 of the act.

The equally important right the memos fail to address is the right in section 7, which is the right to refrain from concerted activities, et cetera. That means that section 7 also protects the right to refrain from striking. The memo of April 4, 1991, states that an employer may not discharge strikers, because it would violate the purpose of the act to permit the discharge of employees who are engaged in activity that is expressly protected by the law. However, this and the May 7, 1991, memo failed to mention that it would violate the purpose of the act to discharge or discriminate against employees who are engaged in activity protected by the law—section 7—which is the right to refrain from striking. H.R. 5 as introduced, and amended, is directly contrary to this aspect of activity protected by the law. The omission of such an equally protected activity in these memos make them adequately flawed to be of any intelligible help in the analysis of this legislation—particularly as to whether they cover nonunion—right to refrain—employees or not.

Sixth, H.R. 5, as amended, applies to nonunion employees. That is the basis of this bill. H.R. 5 would prohibit an employer from replacing any employee who supports a union. It would not prohibit an employer from replacing an employee who is nonunion, thereby discriminating against any employee who does not support a union. Because it protects one and not the other does not mean it does not apply. It's like looking at the elephant. Language in legislation must be clear—so must language in an analysis.

Seventh, not a fault of the CRS memos, but the short title to H.R. 5—and, as amended—states: "To amend the [NLRA] * * * to prevent discrimination based on participation in labor disputes." Actually, the bill creates discrimination, or attempts to do so. It does this by discriminating against employees who fail to support or join a labor organization.

Mr. Chairman, therefore I would not hang my hat on seven pages, or whatever was mentioned, of some report from CRS, because I believe if some labor lawyers would get ahold of that report, they would sure have real fun with it.

Again, I would encourage Members not to make a bad piece of legislation even worse. Some may say that is difficult to do. I am sure it is unintentional. However, it has to be a smoking mirror attempt to provide cover for some.

The bill, again I repeat, for the first time creates a distinction in law between union and nonunion workers. The bill does one thing, and does it very well. It provides a perfect tool for those desiring to organize the work force. Next year or the year after, or perhaps 2 or 3 years from now, we will be back. This has been an exercise in futility. We know it is going nowhere. Then we will come back, and then we will sit down and try to be reasonable, and see if we cannot fine tune something that probably needs some fine tuning.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in support of the gentleman's amendment and in support of the legislation.

Mr. Chairman, this legislation is simply about basic fairness. It is about the fairness of the workplace. It is about people's rights and responsibilities both on behalf of the employees and employers.

We have examined the American workplace over the last decade and longer, as we have continued to worry about productivity, including one of the things that we see that lends most to productivity, which is a fair workplace, a place where employees are involved in the decisionmaking powers of that workplace.

To suggest that we are going to embrace a provision of the law that allows an employer to be absolutely arbitrary and capricious with respect to his employees, and at that point, should they decide to forego pay, to forego the benefits, and to go out on strike, to then be dismissed in favor of permanent employees, is an outrageous act. It will not lead to more productivity. It will not lead to peace in the workplace. It will not lead to workers and employers working together for the benefit of this Nation.

This legislation is to prevent those kinds of arbitrary capricious acts by employers. It is about fairness to workers, to their families. It is about bringing the workplace together in the name of productivity, in the names of the rights and responsibilities of both parties. We should pass this legislation overwhelmingly. We should pass the Peterson amendment overwhelmingly.

□ 1700

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, very briefly, I rise in support of the amendment.

The gentleman from Pennsylvania [Mr. GOODLING] gave an interesting argument that does this bill really only apply to the unionized worker, the collective bargaining situation, because of its reference to bargaining units and talking about a CRS memo with respect to the application of terms that could very well apply in any nonunion situation or where unions lost an election, and therefore it is not a unionized work force; but the Peterson amendment talks in the concept of certification procedures, recognition procedures, processes which define this.

The irony is that the gentleman from Ohio [Mr. BOEHNER] says that this gives protection to union workers greater than the protection to nonunion workers, and the gentleman from Pennslyvania [Mr. GOODLING] says this bill applies to nonunion workers. You cannot have it both ways.

The fact is this bill is focused on the unionized workers, either in the context of traditional economic strikes, or in the limited situations where a recognitional strike is allowed under the very carefully crafted terms of the Peterson amendment, and the argument of the gentleman from Ohio [Mr. BOEHNER] is wrong. On the other side of the aisle they should stop using both inconsistent arguments at the same time.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, does an American citizen really have a right to vote if he is thrown into prison for voting? Does an American citizen really have a right to express his political view if he must pay a fine for speaking? Does an American citizen really have a right to strike if his employer can fire him when he exercises that right?

There is no right to strike if exercising that right costs you your job. We all regret strikes. They represent a failure to negotiate, a failure to agree, but when the basic rights of a worker are at stake and he chooses to walk off

the job and away from his paycheck to protest the disagreement, he is exercising an American right paid for with the blood and suffering of thousands who have gone before him.

Some Republicans and some in the business community can twist this issue into rhetorical knots. Men and women who are ready to risk their lives for principle and dignity understand this issue clearly.

Support the Peterson amendment and support this legislation.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Education and Labor.

Mr. FORD of Michigan. Mr. Chairman, I rise to support the Peterson amendment.

I want to make it very clear at the outset that as the chairman of the Education and Labor Committee, I appreciate the way in which the gentleman has approached this legislation and his reservations about it. The gentleman has brought those reservations to our attention. We were not able at first to respond in a positive way to his concerns, but as he persisted, and he has been persistent, he has enabled us to endorse his amendment, because, in fact, what it does is answer the people who would pick on nits, the nitpickers who try to twist words to create doubt where none should exist.

In the committee we amended the bill. We thought we amended it in a way that made it abundantly clear that the kind of strike that was being protected would have to be called by an existing union.

Now, unfortunately, after we amended the bill, various organizations for their own purposes, in some cases to raise money from people they scared the hell out of so that they could get money from them, confused the issue and created a gray area; but what the gentleman from Florida [Mr. PETERSON] did at exactly the right time was show us a way with mathematical precision to write language that no lawyer—and I am a former labor lawyer—can twist around to mean anything except that if you do not have a union in your place of employment, there is no effect on your place of employment by this legislation.

The Peterson amendment is a clarification of the original intent of the bill and the amendment adopted in committee. We never intended H.R. 5 to cover nonunion workplaces, but the definition of "nonunion workplace" does not appear in the bill. The Peterson amendment effectively supplies the definition: The workplace is covered only if a majority of employees in an appropriate unit sign authorization cards for a union, petition the NLRB for a representation election, and then wait 30 days. If the union loses the election it loses any protection under the bill.

This amendment is fair to employers and employees alike. It is not a weakening amendment; it is a clarifying amendment. It deserves our support.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in support of the Peterson amendment in the nature of a substitute. Since introducing H.R. 5, I have been deluged by concerns that the bill's protection will be used for frivolous reasons. While I personally believe that the protection of this legislation should be applicable to all workers who are legitimately engaged in a strike, I have acquiesced in efforts to address these concerns by limiting the provisions of H.R. 5 to circumstances in which a union is involved in the labor dispute.

In Committee, we adopted an amendment to address this concern. That amendment provided that the protection of H.R. 5 would be limited to strikes involving labor unions. Where employees were acting collectively on their own, regardless of the justifications for their actions, they would not be protected. However, the amendment adopted by the Committee protects and is intended to protect those employees who have formed a union and are seeking representation from their employers.

Now it is being contended that this protection is a loophole—that employees will walk off the job in order to go hunting or for some other nefarious and illegitimate reason and then claim they were seeking to form a union. Well, the Peterson amendment fully addresses the perceived, and in my view imaginary problem. Under this amendment, the employees must first circulate a certification petition and must obtain majority support for that petition. The employees must then file their petition with the NLRB. Then, before they fall within the purview of H.R. 5, they must wait 30 days. If the employer believes the petition is spurious, it is fully within the employer's ability to obtain an election within 30 days. Assuming the employer does not wish to contest an election, the NLRB is fully capable of conducting that election within a week, 10 days at the outside. If the union loses that election, then the employees are outside of the purview of H.R. 5. If they strike, they may be permanently replaced. If the employees strike before the expiration of the 30-day period and no election has been held, then once again the employees may be permanently replaced.

To the extent that the Boehlert-Williams amendment left any loopholes, a proposition I believe to be more fancy than fact, this amendment closes that loophole once and for all. If this amendment is adopted, those who believe that H.R. 5 raised any kind of problem with regard to nonunion employees no longer have an excuse to vote against this legislation. I urge the adoption of the Peterson amendment in the nature of a substitute.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, as chairman of the subcommittee that had jurisdiction over this legislation, I want to assure my colleagues and place in the RECORD for whatever future use it might be that we have always intended that this legislation apply only to what has loosely been referred to as union workplaces. That workplace is the only one we have ever intended to be covered by this bill.

When the gentleman from Missouri introduced the bill, we used the term "labor organization." Some have doubted that that was definite enough or inclusive enough, so I amended it to assure that it only covered organizations acting as a bargaining agent.

The gentleman from Florida [Mr. PETERSON] has further refined it to say that not only must 50 percent plus one of the relevant work force support the union but they must also ask for an election petitioned by the NLRB, and then wait 30 days before they can strike and be protected by this legislation; so I am hopeful that our intention is now defined and secure in this legislation. It only affects union workplaces.

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds to respond to a comment that was made, that we cannot have it both ways.

We were actually both right, the gentleman from Ohio [Mr. BOEHNER] and myself. If a nonunion shop goes out on strike, they can be permanently replaced. If a union shop goes out on strike, they cannot be replaced; so basically I am correct.

Then, of course, the gentleman from Ohio [Mr. BOEHNER] says, however, if the union comes in and tries to organize the nonunion shop, you have a totally different situation; so basically we are both correct and it is not confused.

I will see you in two years when we negotiate in good faith and come up with a winner.

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

Mr. PETERSON of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in opposition to H.R. 5, the Striker Replacement Act.

This bill would ban the hiring of permanent replacement workers when employees strike for economic reasons such as higher wages or better benefits. This issue is a complex one with current law based on Federal statutes and National Labor Relations Board [NLRB] decisions. The Supreme Court ruled in a 1938 decision—NLRB versus Mackay Radio—that an employer's "right to protect and continue"

their business justifies the hiring of permanent replacements for employees on strike. The law has remained untouched since that 1938 decision.

The enactment of H.R. 5 would allow workers to strike for economic reasons with full job protection. It would leave the employer with little option except to close his doors. This is clearly not the intent of our Federal labor relations policy which is to encourage collective bargaining. I am fearful that this bill's enactment will lead to more strikes and more companies being forced out of business. This hurts employees, business owners, and our economy. It is a change for the worse—not for the better.

For these reasons, I must oppose H.R. 5, and I encourage my colleagues to reject this legislation and seek ways to reduce the threat of strikes—not increase it.

Mr. PETERSON of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I rise in strong support of H.R. 5 and the Peterson amendment as a blow for freedom in this country for labor.

Mr. PETERSON of Florida. Mr. Chairman, I yield the balance of our time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

□ 1710

Mr. GEPHARDT. Mr. Chairman, and my colleagues, the Workplace Fairness Act fits in a larger context than simply a debate over labor-management relations.

It involves more fundamental issues: What kind of society do we want, and what kind of economy do we want for ourselves, for our children, and for the communities we represent.

When I go home to St. Louis, in virtually every town meeting I hold, I am asked: How can we justify paying Americans $15 an hour when Malaysian, Mexican, or Chinese workers receive just $1 for the same work?

There are three ways we can do this: One is protectionism—which we reject as destructive and counterproductive.

The second way is to become 15 times more productive. That is the path the Germans and the Japanese have chosen. It is the democratic way of paying higher wages for better workers—better educated, better trained, better managed, better organized, and better appreciated workers.

Silently, without public debate, the Republicans have chosen a third way—low wages for American workers—and this policy has taken its toll.

When we fail to enforce trade laws and permit dumping; when we let our schools deteriorate; when we lock the doors of college and opportunity to millions of American families; and when we countenance permanent replacements—American living standards go down in a pointless and futile and unjust pursuit of greater competitiveness through lowered wages and lowered expectations.

America will regain its economic strength only when we commit ourselves to becoming a high-wage and high-skill society.

It is what the Europeans have done. It is what the Japanese have done. And now America must do it as well.

That effort does not end with the passage of H.R. 5; but it is a very good place to begin.

Who gets hurt when permanent replacements are used? Not unions—families. These days, most contract disputes are not over big pay raises; they are over big wage cuts or reductions in health-care coverage.

Often working families are taking a stand to protect benefits promised them in prior agreements with management. Paid vacation, sick days, maternity leave, safer working conditions—these are the benefits workers are simply fighting to protect—benefits they have already earned.

The workplace fairness bill, being considered by the House of Representatives today, simply prohibits the hiring of permanent replacements for union workers who exercise their fundamental rights to strike.

This bill does not apply to nonunion small businesses or any other sized nonunion plant. It even allows management in union plants to hire temporary replacements for striking workers in order to maintain some production capability.

Closing this loophole would make our laws consistent with those of our advanced world trading partners, countries which are already as or more competitive than are we.

They value good relations between labor and management and feel their economies function better because they make this effort.

Yesterday, I shook the hand of Ted Ramirez, a machinist from Miami, who used to work at Eastern Airlines.

Beginning in 1976, his union took a series of devasting pay cuts because they wanted to help save the company.

He had pride in that organization, he gave it 25 years of his life, and he proudly moved from ramp serviceman to become part of the unit that designed Eastern's cost efficiencies.

Frank Lorenzo, the corporate profiteer, forced unionized employees' backs to the wall, asked for more givebacks than they could afford, and permanently replaced them when they went out on strike.

Ted Ramirez now calls himself fortunate because he has a job selling men's clothes at $5 an hour.

"We play by the rules," he said, "and we fight for our Nation when we're called. Now it is time our Government started giving us a little protection in return."

Can we do anything else but reward his decency and his confidence in the system with the little help that he is asking—not just for himself but for the rest of the men and women who break their backs every day to make our economy grow?

I urge my colleagues. Hear Ted Ramirez's plea, and the pleas of thousands of others he represents. Let us restore fairness to our system and stability to our economy—let us pass H.R. 5.

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 5. I do so only because the Peterson amendment was adopted on the House floor today which makes clear that the legislation does not cover nonunion employers.

While I will support the bill, I do so with reservations. I by no means see H.R. 5 in its present form as a final solution to the broad issues in disagreement and I will reserve judgment on the future of this bill.

Unfortunately, I think that faults on both sides have brought us to this point today.

I am sympathetic to the concerns the business community has raised over H.R. 5. I realize that a company subjected to a strike suffers from lost productivity and profits. We are all concerned with America's competitiveness and we understand that our businesses face unfair practices from overseas. American business must have the flexibility to respond to these challenges. But we need to consider some of the startling occurrences that have been brought out by this discussion.

Over the last decade, some major employers have demonstrated no sense of loyalty to long-term workers who have helped build companies and communities. These are tough economic times for our families too and many American workers have their backs against the wall in bargaining for just wages, working conditions, and health and pension benefits. Business and labor should be able to discuss these issues in a constructive manner. All Americans deserve this consideration.

I feel it is important that this legislation be initially adopted as a vehicle for further discussions and that passage of H.R. 5 should be viewed only as a starting point. We must restore a balance and fairness to labor-management relations. I hope that passage of H.R. 5 will allow us to pursue that objective.

Mr. DE LUGO. Mr. Chairman, I speak today in support of the amendment offered by the gentleman from Florida. The language in this amendment strikes a fair balance amid the controversy that surrounded the Workplace Fairness Act.

In the past decade we have seen the Nation's economy and the global economy change in many ways, some of them drastic, many of them affecting the very foundations of the American workplace. We have seen our country move from a creditor to a debtor nation as our balance of trade has tilted in favor of foreign countries. We have seen substantial decreases in American manufacturing jobs and significant increases in service jobs. We have witnessed corporate mergers designed to improve productivity and reduce competition. We have seen much of our research and development go to foreign corporations who sell their products back to us.

We have seen changes, too, in the American work force. Deemed to be no longer competitive with lower paid, foreign labor, many

corporations have taken their business abroad. Companies have down sizes, or restructured, to take advantage of non-U.S. workers. Union membership has dropped as employees have been pushed aside by American companies, or as relocations have caused enormous shifts in the location of the domestic work force.

In years past, in times of more robust growth and less global competition, there was an even balance between labor and management that for decades worked well indeed. When labor did not receive the benefits workers felt they justly deserved, they organized, and bargained and, if necessary, struck. Almost always, a just agreement was reached.

But now, in these new economic times, corporate attitudes have shifted. Perfectly willing to take their manufacturing elsewhere but still striving to take advantage of the huge, American consumer marketplace, corporations have entered into labor disputes actually hoping for a strike as an excuse to shut down a plant, or to hire nonorganized laborers to fill positions at a lower, more competitive price, with little or no social conscience, and with little or no attention paid to quality of product.

This is not right. If America is to be the marketplace where products and services are consumed, it must also be the workplace where products are built and services are delivered. If our competition has shifted from the domestic to the world stage, we must take several steps. We must encourage improved education in this country so that our future workers are equipped with the skills needed to compete in this new environment. We must see that corporate America becomes more willing to invest in its own, long-term future instead of seeking the short-term profit. We must see that companies be willing to train for the jobs they will need instead of sending work orders overseas. We must see that America's competitive edge—which is so dependent upon the abilities of its workers—is not lost through selfish decisions made in the boardrooms.

But first and foremost, we must ensure that American workers do not become extinct, that they not be thrown aside like refuse in the corporate quest for a quick dollar, while slowly, inevitably, the world overtakes us.

That is why the Fairness Act is so important. We are not protecting unions, nor are we encouraging foreign competition by protecting American workers from unfairness. We are seeing that the American worker remains a part of the system and a part of the process that for years has helped to make our Nation great.

I urge my colleagues to vote in favor of the amendment offered here today by the gentleman from Florida. For here is legislation that will keep America strong by keeping the American worker a part of the future.

Mr. LAFALCE. Mr. Chairman, I rise in support of H.R. 5, the Workplace Fairness Act. H.R. 5 acknowledges and restores the intent of the National Labor Relations Act of 1935, which gave workers the right to withhold their labor when all other means of collective bargaining have failed. Section 157 of title XXIX United States Code states that "employees shall have the right to self-organizations, to form, join, or assist labor organization, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities." Numerous judicial decisions have confirmed conclusively that a strike is concerted activity within the provision of the act. Section 158 (a)(1) and (a)(3) enforce these employee rights by declaring "it shall be an unfair labor practice for an employer: to interfere with, restrain, or coerce employees in the exercise of rights guaranteed in section 157 of this title; or by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization." Finally, section 163 of title XXIX expressly states that "nothing in this act * * * shall be construed so as either to interfere with or impede or diminish in any way the right to strike." Thus, employers who terminated employees for going on strike or for otherwise engaging in concerted activity would violate section 158 of the NLRA. Employers found guilty of such unfair labor practices would be required to reinstate affected employees and provide them any back pay.

In contrast to the act, the Supreme Court said, in extraneous language, in the 1938 case NLRB versus Mackay Radio, that employers are "not bound to discharge those hired to fill the place of strikers * * * in order to create a place for the [strikers]." In reliance upon that Supreme Court extraneous language, some employers have concluded that while it is an unfair labor practice to fire workers who exercised their legal right to withhold labor, it is permissible to permanently replace them. But surely, a worker who is permanently replaced without getting his old job back can see no difference between being permanently replaced and being fired. Nor can I.

For many years, employers did not take advantage of this extraneous language. However, recent events have signaled a change in employers' willingness to permanently replace their employees, and this change has made it imperative that Congress intercede. H.R. 5 simply clarifies employees' right to strike guaranteed by the NLRA and prevents employers from interfering with this right by hiring or threatening to hire permanent replacement workers.

Some opponents have alleged it will diminish our industrial competitiveness in the rapidly changing global economy. While I applaud and share my colleagues' interest in promoting our competitiveness, this bill will not harm our ability to compete, it will merely bring our labor law into accord with other industrialized nations.

Legal specialists at the Congressional Research Service law library, who compared United States labor laws with those in other industrialized nations, found that Belgium, France, Germany, Greece, Italy, Japan, the Netherlands, and Sweden "reject the idea of dismissing striking workers. In [these] countries, the strike brings about only a temporary suspension of the labor contract. Thus, none of these countries empowers an employer to terminate the striking workers' employment and hire permanent replacement workers." Indeed, in the case of Japan, our biggest international competitor, "the employer practice of discharging striking members and replacing them with newly hired workers is still unknown."

Furthermore, the report found that while Great Britain and Canada lack a national prohibition on the use of permanent replacements, both place stringent limitations on the ability of employers to hire permanent replacements. In Britain, if an employer wishes to "avoid" the risk of complaints of unfair dismissal, he must dismiss all or none of the striking workers. And if the employer decides to rehire within 3 months of dismissal, all of the workers who have been engaged in a strike must be rehired.

Furthermore, three substantial Canadian provinces, Quebec, Manitoba, and Ontario, which together comprise 17 million of Canada's 26 million residents or some 66 percent of the entire population, forbid or sharply limit the use of permanent replacements.

The Quebec Labour Code expressly prohibits employers from hiring replacement workers during a lawful strike. The province of Manitoba has adopted a law that prohibits the hiring of a permanent replacement. Ontario's Labour Law gives striking workers a guarantee of reinstatement for a period of six months from the commencement of a lawful strike.

Thus, H.R. 5 cannot be attacked for making us less competitive relative to our foremost competitors. Indeed, other industrialized nations prohibit employers from permanently replacing striking workers because of economic concerns. If an employer permanently replaces striking workers with new and less trained workers, he throws away a large investment in human capital. Permanent replacements will not achieve equivalent levels of productivity for months or years. Finally, the use of permanent replacements jeopardizes peaceful labor relations, thereby further decreasing employee productivity in the affected company and throughout American industry.

Mr. Chairman, a vote today for H.R. 5 is nothing less than a strong step toward clarifying that American labor law should be in line with other industrialized nations and limiting employer actions that could have negative effects on American industrial competitiveness.

Mr. SMITH of Florida. Mr. Chairman, I rise today in support of H.R. 5, the Fairness in the Workplace Act of 1991. This important legislation will ensure fairness in relations between labor and management. This bill has been carefully crafted to guarantee American workers a more equitable working environment. American law affords workers an opportunity to demonstrate their discontent, as a last resort in a labor dispute, to stand up and organize a legal strike. H.R. 5 will futher protect them by making it unlawful for employers to permanently replace employees who participate in a legal strike.

While it is unlawful for an employer to fire a worker for taking part in a lawful strike, that same employer is not prevented from permanently replacing the striking worker. This irregularity is absurd and totally inequitable. What is the difference to an employee if he/she is fired or permanently replaced? The end result is still no paycheck.

There is no incentive for a company to settle a labor dispute under the current system. H.R. 5 will restore balance and fairness to the

collective bargaining process between employees and employers.

Workers do not decide to go on strike on a whim; they use it as a last resort. A strike means a loss of income, benefits, seniority, and tremendous disruption of one's life. It is time to send a message out to American workers that we in Congress recognize their struggle and will do everything within our power to make sure they receive equitable treatment and job security.

Mr. EWING. Mr. Chairman, I rise in opposition to H.R. 5, the striker replacement legislation.

I am deeply concerned that this legislation would have a devastating effect on labor-management relations, on America's economy, and on countless American families. I do not oppose H.R. 5 because I am opposed to organized labor or the right to strike, but because this legislation would really hurt those who it is intended to help; average American workers.

There is a great deal of misunderstanding about this issue. The backers of this legislation would have us believe that those going on strike can be fired at any time and have no recourse. However, under the 1938 U.S. Supreme Court decision in NLRB versus Mackay Radio and Telegraph Co., strikers protesting "unfair labor practices" were guaranteed immediate reinstatement to their jobs once the strike ended. This precedent has stood for 53 years. Indeed, such strikers are guaranteed their jobs even if replacements must be fired, and often receive back pay. After an economic strike, which involves issues such as benefits and pay, workers are guaranteed reinstatement as soon as jobs filled in the interim are again open, thus limiting the ability of companies to use permanent replacements.

The sponsors of H.R. 5 want us to believe that there is widespread replacement of those striking for economic reasons, but this is simply not the case. While there certainly have been some well-known examples of strikers being replaced, such as the replacement of Eastern Airlines strikers, the fact of the matter is that this rarely happens. As Labor Secretary Lynn Martin has pointed out, during the past decade only 4 percent of striking American workers had been permanently replaced.

The relationship between management and aggrieved employees is a very delicate one, and current policy, which has worked well for over 50 years, should not be changed. Workers know that if they strike they have reassurances that they will not forever lose their jobs, and employers have the ability to hire replacement workers, thus preventing the business from collapsing. If H.R. 5 becomes law, this balance would be destroyed since union members would have no reason to refrain from striking.

The extraordinary power that this legislation transfers to unions would mean more strikes. It would turn the strike option from an act of last resort to a preferred weapon. It would drive a tremendous wedge between labor and management, encourage confrontation, cripple business functions, and wreak havoc on the American economy. Failing businesses means fewer jobs and a failing economy, which is bad for all Americans.

Small business in this country cannot afford H.R. 5. H.R. 5 would undermine the checks and balance system provided in current collective bargaining agreements. For a small business to be prohibited from hiring replacement workers, is a sure way to lead them to economic extinction and real job losses.

We are all concerned today about the number of American jobs going abroad. This legislation would do a great deal to encourage jobs to go elsewhere. Companies which are crippled by strikes are likely to consider moving their operations overseas, where American jobs will be replaced permanently. I hope my colleagues will consider this when casting their vote on H.R. 5.

Mr. Chairman, of course this legislation would be bad for business. But it would also be bad for the working men and women of this country. I will oppose H.R. 5 and encourage my colleagues to do the same.

Mrs. LOWEY of New York. Mr. Chairman, as a cosponsor, I rise in support of H.R. 5, the Workplace Fairness Act. This bill is a fair and just manner of restoring balance in labor-management relations, which have been unbalanced in recent years by the growing use by some employers of permanent replacement workers to end strikes and break unions.

Most employers in this Nation continue to deal fairly and responsibly with their employees. However, during the past 10 years, a crisis has developed in which a small group of employers have sought to break unions by deliberately forcing their workers to go on strike through unreasonable negotiating tactics, then replacing them on a permanent basis. In some of these cases, employers have actually advertised for replacement workers before negotiations reached an impasse. Thousands of workers have lost their jobs unfairly as a result of this growing practice.

This pattern has disrupted the collective bargaining process and is undermining stable labor-management relations. Workers are intimidated into giving up the right to strike, which is a basic legal right protected by current law. This tilts the balance of power in labor disputes decisively in the favor of the employer.

It is no coincidence that working Americans—both union and nonunion—have suffered from declining wages during the past decade. During this period, when management's hand was significantly strengthened by increased use of replacement workers, real weekly wages of American workers dropped almost 6 percent. At this point in time, the United States ranks seventh among industrial nations in overall wage rates.

Clearly, the practice of permanently replacing workers has strengthened the hand of employers in labor disputes. But this strengthened hand has not at all increased our Nation's competitiveness. On the contrary, while wages have actually dropped, our competitive posture has been harmed. One reason is that the practice of permanently replacing workers has left many major companies without a trained and experienced work force. It is no surprise that our ability to compete in the world marketplace is decreasing when we are relying less on skilled labor, and more on workers who are not trained to do the job.

At the same time, Germany and Japan, whose ability to compete in the world marketplace is unquestioned, both guarantee their workers the right to reinstatement after a strike is over. While some American employers have focused on the short-term gains involved in breaking a union and cutting wages, their competitors overseas have learned that reliance on a trained work force is essential in order to produce a quality product. This makes it clear that H.R. 5 will contribute to American competitiveness, rather than detract from it in any way.

Some opponents of this legislation claim that it will encourage an excessive number of lengthy strikes. In this regard, it is important to note that strikes always have an enormous negative effect on workers. A decision to engage in a strike is never taken lightly, since it involves the loss of all compensation, and imposes numerous personal and financial hardships. This bill will not change that situation in any way; therefore, it will not act as an incentive for further strike activity. In fact, strikes involving replacement workers are particularly adversarial and protracted. This bill will make it more likely that strikes, when they happen, will be resolved more quickly and in a more amicable fashion.

In addition, opponents claim that the bill will provide workers with an unfair advantage in labor disputes. However, employers will continue to have many options for maintaining their operations during a strike. The most important of these options is the use of temporary replacement workers, which can be used legally for the duration of any strike. In addition, employers may use supervisory or management personnel in place of strikers, transfer or subcontract work, and stockpile in advance of a strike. Employers have prevailed in numerous strikes through the years without hiring permanent replacement workers or even threatening to hire them, and this situation is not likely to change under this bill.

Finally, some opponents of this legislation have expressed concern that it will affect nonunion as well as union employees. During consideration of H.R. 5 by the Education and Labor Committee, and amendment was adopted to clarify that the legislation only applies to union workers. Today again, I am joining the chairman of our committee in support of an important clarifying amendment that makes this point clear once and for all.

H.R. 5 is a relatively simple bill designed to eliminate abuses which have been perpetrated by a small minority of employers in recent years. It attempts to reestablish fairness and equity in the relationship of labor and management—a goal which will not result in an excessive number of strikes or provide our Nation's labor unions with an unfair advantage.

Rather, this bill has much to contribute to our Nation. It will help the working families whose lives would be shattered if their breadwinners lose their jobs simply for fighting for fair pay and fair benefits. It will help all of our Nation's wage earners, who would prefer reasonable wages and benefits to today's struggle against the ravages of the recession. And it will help our Nation's economy, which will benefit substantially from stable labor relations and more reliance on a highly experienced and highly skilled work force.

Sadly, the opponents of H.R. 5 see only a fight for who will get theirs today. But the proponents see a future of stable and cooperative

relations between labor and management, focused on long-term growth and prosperity. To me, the latter vision is more promising for our Nation. I am proud to cast my vote for this bill, which is in the best interests not only of workers, but of businesses, the economy, and our Nation.

Mr. ROEMER. Mr. Chairman, I rise in support of H.R. 5, the Workplace Fairness Act, which bans the hiring of permanent replacements for workers engaged in economic strikes.

When Congress passed the National Labor Relations Act in the 1930's, it guaranteed the right of workers to organize, to join unions, and to strike without fear of reprisal by their employers. In recent years, however, the right of employees to strike when they are unable to reach a collective-bargaining agreement with employers has been undermined because employers are permitted to hire permanent replacements.

Under current law, employees are unfairly disadvantaged in the collective-bargaining process over economic issues because the employer is permitted to hire permanent replacement workers if there is a strike. However, striking employees may not be permanently replaced in a strike where unfair labor practices are at issue. In the case of an economic strike, striking employees who have been replaced do not have to be rehired when the strike is over—they are afforded only preferential consideration for positions that become vacant in the future.

In very recent times, those employees who exercised their right to strike have been permanently replaced after years of loyal service with an employer. They expected that their jobs would continue after the strike had been settled and that their jobs would be protected under the National Labor Relations Act. Instead, they face financial ruin and other personal hardships, both now and for the future. The devastating consequences borne by these employees can extend to jeopardizing their homes because they are unable to make their mortgage payments. The personal and emotional stresses have led in some cases to the breakup of employees' families. Strikes can adversely impact local communities as well. Irreparable anger among strikers, permanent replacements, and the company can threaten to destroy a community long after a strike has been settled.

Studies show that, in the past decade, employers have increasingly utilized the right to hire permanent replacements. This fact is highlighted by findings published by the General Accounting Office [GAO] which demonstrate that since 1985, employers have used or have threatened to use permanent replacements in one out of every three strikes in this country. Thus H.R. 5 is needed to restore an emerging imbalance in labor-management relations. Permitting employers to hire replacement workers on a permanent basis, in the event of an economic strike, is tantamount to discharging or firing employees for exercising their lawful right to strike if they are unable to reach an agreement in the collective-bargaining process.

I recognize that the business community has concerns about this legislation, Mr. Chairman, and that nonunion companies, in particular, are worried that this bill will apply to and severely impact them. I listened to these concerns and wrote a letter to Chairman Ford urging him to incorporate some clarifications and changes in the legislation. In response to these views and other Members' concerns, the committee incorporated an amendment, which I supported, to clarify that H.R. 5 does not apply to nonunion companies, which includes most small businesses.

It is my view that the abolition of hiring permanent replacement workers will not be an incentive for employees to strike more frequently. Aside from the economic disincentive of lost wages and benefits, there is the emotional uncertainty of not knowing how long the strike will last or when life savings will be depleted. Furthermore, a prohibition of permanent replacements will not ensure that a given union will prevail over management in an economic strike.

Workers do not strike frivolously or because they want to. They do not risk everything for cavalier reasons. They do so because they feel that their futures must be protected, and they do so at considerable personal financial risk. Under this legislation, employers can continue to operate during a strike by transferring nonstriking employees, managers, and supervisors. They can subcontract work, and they may rely on stockpiled inventories. Most importantly, the bill does not affect an employer's right to use temporary workers during a strike. This bill simply ensures that the hiring of replacement workers is indeed temporary and subject to the return of striking employees.

Mr. Chairman, this legislation is about fairness in the collective-bargaining process and about restoring an even balance to labor-management relationships. We need to work toward an improved and communicative labor-management relationship. This is a question of our competitiveness, our productivity, and our economic strength. It is an important step in protecting a worker's fundamental right to strike, and I urge my colleagues to support this bill.

Mr. WOLPE. Mr. Chairman, I rise in strong support of H.R. 5, the Workplace Fairness Act of 1991. This bill is about two issues critical to America's economic future: Fairness and productivity.

Mr. Chairman, in 1935 Congress passed the National Labor Relations Act, in which a worker's right to strike was guaranteed. Since that time, beginning with the MacKay Radio decision in 1938, the courts have slowly eroded the right to strike, the only weapon workers have to fight for a better standard of living. In fact, under current law, it is illegal for an employer to fire a worker, but it is perfectly legal for an employer to permanently replace a striking employee. All we seek to do here today is restore the original intent of the law.

Mr. Chairman, over the last decade the purchasing power of middle-income working families has decreased. Over the last decade the tax burden on middle-income families has increased. At the same time, the courts have eroded the right to strike. President Reagan, by firing the air traffic controllers, signaled to U.S. employers that confrontation was an acceptable course of action. Add to that the wave of mergers and leveraged buy-outs that reduced workers to pawns in the game played by corporate profiteers, and there is only one conclusion: a worker's right to strike for a better standard of living has simply become the right to settle for a substandard wage, or quit.

Opponents of this legislation claim that it will destroy economic growth. I think they are dead wrong. It is my view that the key to American competitiveness in the 21st century is increased productivity, achieved through greater teamwork between labor and management. A few facts prove my point. First, Japan and Germany, our toughest competitors, have laws prohibiting permanent striker replacement. Both countries have higher average wages than the United States, and they also have far greater increases in productivity over the last 10 years. Second, in a 1986 study of 56 manufacturers, William Cooke of Wayne State University found that "employers that had tried teamwork—about half the sample—reported a 19-percent increase over the decade in the value added per employee. The combative employers reported a 15-percent decline," a statistic that includes Frank Lorenzo's Eastern Airlines, which is in liquidation, and Greyhound Bus Lines, which is bankrupt. Clearly, our competitors have already realized what these facts tell us: Permanent replacement is not only unfair; it is just plain bad business.

Mr. Chairman, H.R. 5 would close the loophole in the law by outlawing the permanent replacement of strikers, as well as preferential treatment for workers who cross picket lines during labor disputes. It would not affect nonunion workplaces, and it would only be applicable to strikes in which the union membership has voted to go on strike. This legislation would help to balance and stabilize labor-management relations, and strengthen the teamwork and cooperation in the workplace that are vital to our Nation's economic future.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. PETERSON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 174, not voting 7, as follows:

[Roll No. 212]

AYES—252

Abercrombie	Bevill	Chapman
Ackerman	Bilbray	Clay
Alexander	Boehlert	Clement
Anderson	Bonior	Coleman (TX)
Andrews (ME)	Borski	Collins (IL)
Andrews (NJ)	Boxer	Collins (MI)
Andrews (TX)	Brooks	Condit
Annunzio	Browder	Conyers
Applegate	Brown	Costello
Aspin	Bruce	Cox (IL)
Atkins	Bryant	Coyne
AuCoin	Bustamante	Cramer
Bacchus	Byron	Darden
Beilenson	Campbell (CO)	Davis
Bennett	Cardin	de la Garza
Bentley	Carper	DeFazio
Berman	Carr	DeLauro

Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickle
Poshard
Price
Rahall
Rangel
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NOES—174

Allard
Anthony
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hatcher
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Ortiz
Oxley
Packard
Paxon
Payne (VA)
Pickett
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Rhodes
Ridge
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Whitten
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Boucher
Kleczka
Matsui
Michel
Sharp
Weiss
Yatron

□ 1737

Mr. McDADE changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended, made in order as original text under the rule.

The amendment in the nature of a substitute, as amended, made in order as original text under the rule was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1740

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. LEVIN of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, pursuant to House Resolution 195, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute made in order under the rule adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GOODLING. Mr. Speaker, I oppose the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Goodling moves to recommit the bill (H.R. 5) to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

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

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

RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 182, not voting 5, as follows:

[Roll No. 213]

AYES—247

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kolter
Kopetski

Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Poshard
Price
Rahall
Rangel
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Solomon
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NOES—182

Allard
Anthony
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Derrick
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hatcher
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison
Myers
Neal (NC)
Nichols
Nussle
Ortiz
Oxley
Packard
Patterson
Paxon
Payne (VA)
Petri
Pickett
Pickle
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Rhodes
Ridge
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Whitten
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Kleczka
Matsui
Michel
Weiss
Yatron

□ 1810

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KLECZKA. Mr. Speaker, due to a recent 4-day hospitalization, I was unavoidably absent from rollcall votes 209 to 213. Had I been present, I would have voted in the following manner:

On ordering the previous question for the rule on H.R. 5, I would have voted "aye;" rollcall No. 209.

On adoption of the rule (H. Res. 195), I would have voted "aye;" rollcall No. 210.

On the Goodling substitute to H.R. 5, I would have voted "no;" rollcall No. 211.

On the Peterson substitute to H.R. 5, I would have voted "aye;" rollcall No. 212.

On final passage of H.R. 5, I would have voted "aye," rollcall No. 213.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5, WORKPLACE FAIRNESS ACT

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending H.R. 5, the bill just passed.

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

There was no objection.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 5, the bill just passed.

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

There was no objection.

VACATION OF SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that my special order for 60 minutes today be vacated, and I ask unanimous consent that I be permitted to address the House for 5 minutes.

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

There was no objection.

THE AIDS PANDEMIC

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

Mr. BURTON of Indiana. Mr. Speaker, one of the biggest scourges to hit the United States, to face our society in our lifetimes, has been the AIDS pandemic. One of the things I have been talking about for the past 5 years is the need to have universal testing or routine testing for the population of this country.

The reason I have said that time and again, Mr. Speaker, is because the incubation period for the AIDS virus is between 2 and 10 years. Because of that incubation period, people who look healthy can communicate this disease to other people, without them knowing they even have it; certainly the people they come in contact with, not knowing the person they are with has the disease.

We have suggested that there were many, many ways this disease could be transmitted. The Centers for Disease Control in Atlanta, and for the former Surgeon General, Everett Koop, and others have said that no, the only way a person could get the AIDS virus was through drug contact and using needles intravenously, and a person could get it through sexual contact, and a person could get it through almost no other way.

The fact of the matter is that we are finding out day in and day out, these preconceived ideas in these categorical statements that have been made 4 and 5 years ago were and are incorrect.

As a matter of fact, we found out just recently that a young lady in Florida contracted the AIDS virus from her dentist. The patient's name is Kimberly Bergalis, and even though the dentist used protective gear, including rubber gloves, masks, and so forth. Because of that, there has been a hue and cry across this country by people saying that they wanted to know if their doctor or their dentist or their health care professional had the AIDS virus.

People have been afraid to go visit their health care professional because they felt they might be exposed to the AIDS virus, and they wanted to know before any invasive procedure was done, whether or not that health care

professional has the AIDS virus. For that reason, the gentleman from California [Mr. DANNEMEYER], myself, and others, have cosponsored legislation which would mandate the testing of all health care professionals in this country, and it would further mandate that those health care professionals, if they tested positive for AIDS HIV, that they would be compelled by law to tell their patients that they had that disease, and their patients could then decide whether or not they wanted that particular health care professional to do invasive procedures on them.

That was something that would be mandated by law. We have found that the AMA has said that they wanted it to be voluntary. I do not believe that goes far enough, Mr. Speaker. I think we need to go much further than that. It needs to be mandatory.

Today, the Secretary of Health and Human Services, Mr. Sullivan, released a statement from his office requesting that all health care professionals be tested. Not mandating, but requesting. I want to read one little paragraph from his letter. He said,

> Our recommendations state that dentists, physicians, and other health care workers who perform exposure-prone procedures should find out their HIV and hepatitis B status. Any who are infected should not participate in such procedures unless they have obtained permission and guidance from special review committees which will require, at minimum, the potential patient be informed of the worker's HIV or hepatitis B status.

This is a step in the right direction. I commend Mr. Sullivan for doing this, but it is not enough. Ninety-five percent of the people in this country when polled recently, said that they want to know if their health care professional has the AIDS virus. They want to know so they can protect themselves and their families. I still believe that we must pass legislation in this body or have Health and Human Services and the Centers for Disease Control mandate that doctors be tested, dentists be tested, on a regular basis, as well as health care professionals.

□ 1820

We need to do that so that the public will be notified that they may be exposed to the AIDS virus if they go to a particular health care professional.

In addition to that, the health care professional has a right to know if his patient has the AIDS virus so they can take every single possible precaution so that they will not contract that deadly disease, which is almost 100 percent fatal, in fact it is 100 percent fatal.

So what we are heading toward is something I talked about 5 years ago, and that is universal testing in America for the AIDS virus. Doctors need to let patients know they have the virus.

The doctor needs to know if the patient and should know if the patient has the virus. So what we are heading for is universal testing.

I urge my colleagues to take a serious look at the legislation that the gentleman from California [Mr. DANNEMEYER] and I are sponsoring.

WHO'S REALLY FOR TAX FAIRNESS?

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

Mr. BUNNING. Mr. Speaker, "what has happened once, will invariably happen again."

Abraham Lincoln said that in December 1839, over 140 years ago, when addressing the Illinois House of Representatives. That quote is still relevant today as we debate the so-called issue of tax fairness.

Every year since I was elected to this body, I have heard the majority screaming about tax fairness. We have even considered and adopted some measures that were passed in the name of tax fairness.

Unfortunately, it always seems that when we pass tax fairness measures, it is middle America that suffers.

The most recent attempt by the Congress at tax fairness was the luxury taxes included in last year's budget mess.

Those who proposed the taxes were delighted that we were finally going to sock it to the rich and make those folks pay for their expensive toys.

Well guess what? What happened once, happened again. The luxury tax is doing what it was supposed to do—it is putting the hurt on the American taxpayer alright, but it is the working middle class—not the rich—who are being hurt.

According to a recent study by Temple, Baker & Sloane the luxury tax on automobiles has created a permanent drop in demand of at least 20 percent for vehicles priced over $30,000.

This drop in sales will lead to a $71 million loss in revenues to the Federal Government in 1991 alone. States will lose $64.5 million in sales tax revenue.

A drop in sales means far more, however, than a loss of revenues to the Government. It means a drop in production and a loss of real jobs in America.

It is estimated that over 3,000 people in the automotive sales industry will lose their jobs this year because of the luxuary tax.

No estimates are available yet for the car manufacturers and their related industries.

Suffice it to say that the luxury tax may be an annoyance to a handful of rich people, but it has been devastating to the working class person associated with the automobile industry who are losing their jobs.

The same thing has happened to America's boat manufacturers with the luxury tax on boats. Industry experts estimate that the tax will contribute to a net loss of about 19,000 blue-collar manufacturing jobs and bankruptcy for countless small businessmen.

Now, from the same economic geniuses who brought you the luxury tax on cars and boats, comes a line of Presidential wannabees who are screaming that what we need is more tax fairness.

But what exactly is the so-called tax fairness that we wannabe Presidential caucus wants to give the middle class.

The main idea is to supposedly raise taxes on the well-to-do by creating a new 35 percent bracket for adjusted gross incomes of more than around $130,000 and putting an additional 11 percent surtax on incomes over $250,000.

The wannabee proposal is based upon the incorrect premise that those in the top tax bracket are not paying their fair share of taxes.

Since the Reagan tax cut lowered the top rate from 70 percent to 33 percent, the top 1 percent of the American taxpayers have paid more in taxes.

In 1981, with a top statutory rate of 70 percent, the top 1 percent of all taxpayers paid 17.6 percent of all income taxes collected.

In 1988, with a top statutory rate of 28 percent, the top 1 percent of all taxpayers paid 27.5 percent of all income taxes collected.

The average income tax payment of the top 1 percent also rose in that time frame from $68,725 to $104,008.

Look through the rhetoric of the Presidential wannabee caucus and you will see that they want us to believe that the American people are not being taxed enough.

The wannabees know its a lot of fun to bash the rich and it is a lot of fun to soak the rich. Playing on jealousy and taking advantage of envy has always been a favorite political strategy of this group.

But the bottom line is that soak-the-rich is not very honest and certainly not very productive.

It is not a matter of tax fairness. It is a matter of job fairness.

The wannabees are playing the worst kind of political game—class warfare for political profit.

The big losers will not be the wealthy. The most they lose is a couple per cent of their income.

The big loser, if we raise taxes on the top taxpayers, won't be the upper income taxpayers at all. The big losers will be the half million Americans who lose the opportunity to hold a job.

They lose it all.

TRIBUTE TO FRANK MOORE OF CARTERSVILLE, GA, BARTOW COUNTY COMMISSIONER

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

Mr. DARDEN. Mr. Speaker, today I rise to pay tribute to Frank Moore of Cartersville, GA, who served as sole Bartow County commissioner until his death on July 6.

Commissioner Moore will long be remembered by members of the Cartersville community as a dedicated and responsible Bartow County commissioner. He was a leader to the young and old, and worked diligently in his position to enhance and encourage better services to the area. It was always a pleasure to work with Commissioner Moore on projects of interest to Bartow County, and I share the feelings of many Cartersville residents when I say I will surely miss him.

Commissioner Moore was first elected Bartow County commissioner in 1980. He was a member of First Baptist Church of Cartersville and the John W. Akin Masonic Lodge. He was past president of the Association of County Commissioners of Georgia, and was active in Little League programs in Bartow County through the years. Commissioner Moore served on the board of directors for the Georgia Department of Community Affairs, and was active in numerous community programs in Cartersville and Bartow County.

He is survived by his wife, Mary Lanier Moore; daughter and son-in-law, Melinda and Danny Gilreath, Cartersville; daughter, Vali Moore, Cartersville; grandson, Tyler Gilreath; parents, E.P. and Beulah Moore, Cartersville; sister, Annie Lou Cato, Mableton; brother Robert Moore, Emerson; and several nieces and nephews.

Mr. Speaker, I would also like to share with my distinguished colleagues a story in Cartersville's the Daily Tribune News which nicely profiles Commissioner Moore's political career. Excerpts of the article follow:

The three-term commissioner, first elected in 1980, last won re-election in 1988. Prior to his election, he had served as Bartow County clerk.

Commissioner Moore, who had an open ear and door to all Bartow County residents, will be remembered in the community for many reasons—one of which is the new county administration building, currently under construction, that will bear his name.

The county is currently undergoing a major building program with the construction of five facilities, administration building, jail, two senior citizens facilities and a health department, which were all spearheaded by the commissioner.

Moore was an advocate for both the youth and elderly residents, having been a leader in the Little League organization on the local and at higher levels, as well as developing facilities for senior citizens in the community.

He served as an officer, including that of president, of the Association of County Commissioners of Georgia.

Along with the physical changes being seen in the county as a result of the commissioner's leadership, the county underwent other changes, including the adoption of a housing ordinance and adoption of the county's land use map and zoning ordinance.

Moore, who said on numerous occasions that he had the best interest of Bartow County at heart at all times, lead a successful effort to institute the changes deemed necessary.

In addition, he endorsed the establishment of an ordinance allowing the selling of malt beverages and wines, worked toward updating of county services, as well as making those and other services available to more residents throughout the county.

Mr. Speaker, commissioners set the highest standards for honesty and competence in public service. He was totally devoted to the people of Bartow County and to his loyal friends and family. His record as a public servant is one we should all seek to emulate.

THE GORE-DOWNEY TAX PROPOSAL

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

Mr. DELAY. Mr. Speaker, I want to continue the discussion started by my great friend, the gentleman from Kentucky, about the so-called tax fairness issue that is becoming more and more discredited every day that goes by. I want to do it through the Working Family Tax Relief Act of 1991, which would replace the personal exemption for children with an $800 tax credit. Sounds good. According to the CBO, this bill would provide $23 billion in tax relief to 35 million low- and middle-income families. In order to pay for this tax cut, the Gore-Downey bill would raise the top income tax rate to 35 percent, impose an 11 percent surcharge on families with incomes over $250,000, and increase the alternative minimum tax to 29 percent. The CBO projects that these tax increases would only affect the richest 6 million families.

According to Senator GORE and Representative DOWNEY, the rich no longer pay a fair share of taxes. They reach their dubious conclusion by pointing out that in 1977 the richest 1 percent of taxpayers paid an effective tax rate of 35½ percent. Under current law, they claim the top 1 percent will only pay 29.3 percent in 1992. Of course, they offer no proof that the 1977 rate was any fairer than the 1992 rate.

Presumably, raising taxes on the rich would pay for tax cuts for everyone else. However, one hardly needs to raise taxes on the rich in order to justify cutting taxes. In 1977, the Federal Government collected $356 billion in taxes, an amount equal to 18.4 percent of our gross national product. In 1992, the Federal Government is expected to collect $1,170,000,000,000 in taxes, an amount equal to 19½ percent of our gross national product. Reducing the 1992 tax burden back to its 1977 level would require a $86-billion tax cut. That is nearly three times the amount proposed by Senator GORE and Representative DOWNEY.

Of course, the Gore-Downey bill is not designed to reduce the 1992 tax burden back to its 1977 level. Its purpose is to make the rich pay a greater share of the 1992 tax burden.

While Senator GORE and Representative DOWNEY are quick to point out the declining tax rates of the rich, they conveniently ignore the fact that the rich are paying more taxes than ever before. In 1981, the top 1 percent of taxpayers paid 17.6 percent of all the income taxes collected by the Government.

□ 1830

By 1988, the top 1 percent paid 27.5 percent of all the income taxes collected. Over this same period, the average tax payment of top 1 percent increased from $68,752 to $104,008, as measured in constant 1988 dollars.

Just as cutting tax rates increased the share of taxes paid by the rich, raising tax rates will reduce the share of taxes paid by the rich. If total Federal revenues are to be maintained at the current level, other taxpayers will have to make up the difference. If the Gore-Downey bill reduced the share of taxes paid by the rich to its 1977 level, low and middle income taxpayers would have to pay an additional $54 billion in 1992.

Rather than addressing the real problem facing American families—high taxes—the Gore-Downey bill sets its sights on promoting tax fairness. However, this is a very phony issue. The truth is raising taxes on the rich will produce little, if any, additional revenue. When the tax hikes on the rich fail to deliver the promised revenue, the deficit will rise and Congress will claim it has no other choice but to increase taxes on the middle class. Taxpayers will be far better off without the Gore-Downey version of tax relief, and the Democrats' idea of tax fairness.

PERSPECTIVE ON WORLD GRAIN PRICES

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

Mr. BEREUTER. Mr. Speaker, undoubtedly many Members from grain-producing States have been contacted by constituents who are very concerned about the exceptionally low market price of corn and wheat. Accordingly, this Member has organized a number of statistics from the U.S. Department of Agriculture and the Congressional Research Service that help to explain some of the important reasons why grain prices remain at such low levels.

While investigating this question, two overriding factors emerged which help explain current levels of grain prices:

First, during 1990, every major grain producing region—the U.S.S.R., Eastern Europe, the European Community, Canada, China, and the United States—enjoyed exceptionally good yields.

Total world production of grains was 1.76 billion metric tons in the year 1990/91. In 1988/89, total world production of

grains was 1.56 billion metric tons. While the 200 million metric tons [mmt] difference may not appear great in relative terms, total world trade in grains is approximately the same amount as the difference in production during these 2 years—200 mmt; 209 mmt in 1989/90 and 188 mmt this year. Due to the large crop last year, world demand for grain imports declined approximately 10 percent, or by 20 mmt. The United States is the world's largest grain exporter and as a result has felt more acutely the contraction in world grain trade.

The second reason for current lower grain prices is the fact that Soviet wheat and coarse grain imports will decrease from 38.5 mmt last year to an expected 26 mmt this year. The U.S.S.R. is the world's largest grain buyer, ordinarily accounting for 20 percent of the world's purchases. This year they are expected to purchase substantially less—approximately 12 percent of world exports as contrasted to the usual 20 percent.

This decrease in purchases is largely due to the Soviets lack of hard currency, which they must have to continue purchasing commodities on a cash basis, as they have since the early 1970's. For all practical purposes, without the credit guarantees granted by the United States, the European Community, and others, the U.S.S.R. today would not be able to purchase agricultural commodities.

Now, let's look at some additional information related to grain prices.

In the 1989/90 crop year, 29 percent of corn sold by U.S. farmers was exported; that is, nearly 1 out of every 3 bushels. This year, only 21 percent—or 1 out of 5 bushels, of corn sold by farmers will be exported. Over the past 5 years corn exports as a percentage of total corn sales averaged 24 percent. U.S. feed grain exports are expected to decrease by 25 percent this year, with nearly all the decrease in corn.

In the 1989/90 crop year, 55 percent of wheat sold by farmers was exported. This year, only 44 percent of wheat sold by farmers was exported. Over the past 5 years average wheat exports to producer sales was 52 percent. The most important point to gain from these statistics is that, whether some people are willing to admit it or not, grain prices are largely export driven.

World supply and demand conditions and the trade policies of other nations have a direct impact on the price that U.S. farmers receive for their products. Additionally, it must be noted that the value of the U.S. dollar has also been rising recently, thereby partially offsetting any increase in world prices.

One bright spot for producers in the world supply-demand situation is that world stocks-to-use ratios are at historically low levels. This means that, worldwide, a relatively small amount of grain is in storage and readily available to meet the needs of world consumers. This tightness in the market gives expectations of rising prices in the future.

One other very important factor to consider in viewing world grain markets are the long-term, cumulative actions of the European Community, or the EC. Before 1980, the EC imported approximately 30 mmt of agricultural commodities annually. In amazing contrast, this year, they are expected to export around 33 mmt, approximately the same amount as they exported last year. This is an absolute difference and increase of 63 mmt in a world market of only 200 mmt. U.S. trade negotiators have long decried the EC's use of export and other subsidy and protection policies that distort world agricultural trade. Viewed in this perspective, the magnitude of the distortion caused by the EC, and the burden it forces U.S. farmers to bear, is significant.

The dramatic production change in the EC occurred only because of their use of massive, trade-distorting internal subsidies. Wheat producers in the EC are provided with incredible subsidies, which are two to three times higher than the U.S. target price. This excess production is then dumped on world markets with the use of export subsidies. During the past year, the EC has very aggressively used export subsidies, often far in excess of $100/metric ton (mt) of wheat, driving world wheat prices below $100/mt.

It should also be noted that, in a sharp turnaround, European Community subsidies have so narrowed the wheat-corn price spread that wheat has at times been a cheaper feed than corn during the past year. In sum, EC export bonuses for wheat have been so large that they have caused substantial weakness in feed grain prices by making wheat a ready substitute for corn. Since the U.S. consistently supplies over 75 percent of the world's corn exports, these EC subsidies for wheat have a disproportionately severe impact on the price of corn in the United States.

These subsidies also explain why EC bulk commodity exports remained constant during the past year and, accordingly, why U.S. bulk exports have decreased markedly. Due to very aggressive EC use of subsidies, the contraction in world grain trade has been absorbed almost entirely by the United States. The EC, Canada, and Australia are not expected to suffer notable reductions in their exports as the United States will.

These statistics illustrate how important a successful conclusion of the current Uruguay round of GATT negotiations is to American agriculture. The benefits that will accrue to United States farmers if the trade-distorting subsidies of the European Community can be reduced are truly significant.

President Bush is to be commended for making the EC trade-distorting agricultural policies a top priority U.S. concern of the current G-7 talks in London. The EC and its member countries should know that a great many Members of Congress continue to urge the U.S. Trade Representative, Ambassador Carla Hills, to hang very tough on insisting on those EC agricultural reforms. Yes, increased trade for services and manufactured products is an obvious benefit from a successful Uruguay round. But the European businesses interests and consumers must know that the EC stands basically alone in their intransigence on resisting reforms in their trade-distorting agricultural policy. They stand against the developing nations of the world and against their agricultural export competitors. The EC must come to their senses and do what is responsible to protect and enhance the world trade system.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WEISS (at the request of Mr. GEPHARDT) for today and tomorrow, on account of medical reasons.

Mr. MICHEL (at the request of Mr. CRANE) for today, on account of a death in the family.

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. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. DARDEN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MILLER of California, for 60 minutes, on July 30.

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

Mr. WOLF, for 5 minutes each day, on July 25 and 26.

Mr. BUNNING, for 5 minutes, on July 17.

Mr. DELAY, for 5 minutes, on July 17.

Mr. BEREUTER, for 5 minutes, on July 17.

EXTENSION OF REMARKS

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

Mr. LENT, immediately following Mr. RITTER on H.R. 5, in the Committee of the Whole today.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous material:)

Mr. BROOMFIELD.
Ms. ROS-LEHTINEN in three instances.
Mr. GILMAN in two instances.
Mr. MCGRATH.
Mr. ROTH in two instances.
Mr. MACHTLEY.
Mr. SCHULZE.
Mr. OXLEY.
Mr. MOORHEAD.
Mr. SANTORUM in two instances.
Mr. HOLLOWAY.

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

Mr. NOWAK.
Mr. WAXMAN.
Ms. SLAUGHTER of New York.
Mr. TOWNS.
Mr. MILLER of California.
Mr. APPLEGATE.
Mr. HAMILTON.
Mr. TRAXLER.
Mr. MARKEY.
Mr. LEHMAN of Florida.
Mr. TRAXLER.
Mrs. BOXER.
Mr. ENGEL.
Mr. REED.
Mr. ROYBAL.
Mr. EDWARDS of California.
Mr. CARDIN.
Mr. GUARINI.
Mr. CAMPBELL of Colorado.
Mr. HERTEL.
Mr. CLEMENT.
Mr. SMITH of Florida.
Mr. BRYANT.
Mr. VENTO.
Mr. KILDEE.
Mr. STARK.

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. 985. An act to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region; to the Committee on Foreign Affairs.

ENROLLED JOINT RESOLUTION

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker.

H.J. Res. 279. Joint resolution to declare it to be the policy of the United States that there should be a renewed and sustained commitment by the Federal Government and the American people to the importance of adult education.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Thursday, July 18, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1756. A letter from the Director, the Office of Management and Budget, transmitting a report on revised estimates of the budget receipts, outlays, and budget authority for fiscal years 1991-96, pursuant to 31 U.S.C. 1106(a) (H. Doc. No. 102-115); to the Committee on Appropriations and ordered to be printed.

1757. A letter from the Board of Governors of the Federal Reserve System, transmitting its monetary policy report; to the Committee on Banking, Finance and Urban Affairs.

1758. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-62, "Uniform Disposition of Unclaimed Property Act of 1980 Amendment Act of 1991," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1759. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-63, "Fire Company Staffing Act of 1991," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1760. A letter from the Secretary, Department of Health and Human Services, transmitting the annual report regarding the types of projects and activities funded under the Drug Abuse Prevention Program for Runaway and Homeless Youth, pursuant to 42 U.S.C. 11822; to the Committee on Education and Labor.

1761. A letter from the Secretary of Energy, transmitting the 14th report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge funds for the second quarter, fiscal year 1991; to the Committee on Energy and Commerce.

1762. A letter from the Secretary of Health and Human Services, transmitting the report on the long-term effects of infant formulas deficient in chloride; to the Committee on Energy and Commerce.

1763. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department's proposed Letter(s) of Offer and Acceptance [LOA] to Spain for defense articles and services estimated to cost $251 million (Transmittal No. 91-38), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1764. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council, pursuant to Public Law 102-1 (H. Doc. No. 102-116); to the Committee on Foreign Affairs and ordered to be printed.

1765. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 5, United States Code, to include certain service as qualifying for certain moving expenses; to the Committee on Government Operations.

1766. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1767. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1768. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1769. A letter from the Secretary, Department of the Interior, transmitting a report on mobilization of local equipment and presuppression needs, pursuant to Public Law 101-286, section 203(c)(2) (104 Stat. 175); to the Committee on Interior and Insular Affairs.

1770. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1771. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Harmonized Tariff Schedule of the U.S. provisions implementing annex D of the Nairobi protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials, and for other purposes; to the Committee on Ways and Means.

1772. A letter from the Physician Payment Review Commission, transmitting the Commission's latest report entitled, "Monitoring Access," pursuant to 42 U.S.C. 1395w-1(c)(1)(D); jointly, to the Committee on Energy and Commerce and Ways and Means.

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. CARDIN (for himself, Mr. WAXMAN, and Mrs. SCHROEDER)

H.R. 2922. A bill to amend the Public Health Service Act to establish an entitlement of States and certain political subdivisions of States to receive grants for the abatement of health hazards associated with lead-based paint, and to amend the Internal Revenue Code of 1986 to impose an excise tax and establish a trust fund to satisfy the Federal obligations arising from such entitlement; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ANDREWS of Maine:

H.R. 2923. A bill to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries; to the Committee on Small Business.

By Mr. BRYANT:

H.R. 2924. A bill to provide penalties for additional forms of credit and debit card fraud; to the Committee on the Judiciary.

By Mr. CAMPBELL of Colorado:

H.R. 2925. A bill to establish the Curecanti National Recreation Area in the State of Colorado as a unit of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COSTELLO (for himself, Mr. POSHARD, Mr. GEPHARDT, and Mr. CLAY):

H.R. 2926. A bill to amend the act of May 17, 1954, relating to the Jefferson National Expansion Memorial to authorize increased funding for the East Saint Louis portion of the memorial, and for other purposes; to the Committee on House Administration.

By Mr. DE LUGO (for himself, Mr. MILLER of California, Mr. YOUNG of Alaska, Mr. SHARP, Mr. VENTO, Mr. LAGOMARSINO, Mr. MARKEY, Mr. MURPHY, Mr. RAHALL, Mr. WILLIAMS, Mrs. BYRON, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. LEHMAN of California, Mr. RICHARDSON, Mr. DARDEN, Mr. VISCLOSKY, Mr. LEVINE of California, Mr. OWENS of Utah, Mr. LEWIS of Georgia, Mr. CAMPBELL of Colorado, Mr. DEFAZIO, Mr. FALEOMAVAEGA, Mr. JOHNSON of South Dakota, Mr. SCHUMER, Mr. JONTZ, Mr. HOAGLAND, Mr. JOHNSTON of Florida, Mr. LAROCCO, Mr. HANSEN, Mr. BLAZ, Mr. RHODES, Mr. GALLEGLY, Mr. SCHULZE, and Mr. TAYLOR of North Carolina):

H.R. 2927. A bill to provide for the establishment of the St. Croix, VI, Historical Park and Ecological Preserve, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DERRICK (for himself, Mr. STAGGERS, Ms. SNOWE, Mr. STALLINGS, Mr. SKELTON, Mrs. BENTLEY, Mr. HAMMERSCHMIDT, Mrs. MEYERS of Kansas, Mr. HOUGHTON, Mr. DEFAZIO, Mr. SWETT, Mr. RICHARDSON, and Mr. VOLKMER):

H.R. 2928. A bill to direct the Secretary of Transportation to make appropriate arrangements with the Transportation Research Board of the National Academy of Sciences to conduct a study of special transportation services to health care facilities in rural areas; to the Committee on Public Works and Transportation.

By Mr. LEVINE of California (for himself, Mr. LEHMAN of California, and Mr. MILLER of California):

H.R. 2929. A bill to designate certain lands in the California desert as wilderness, to establish the Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GEJDENSON:

H.R. 2930. A bill to amend the Arms Export Control Act to allow guarantees in connection with commercial sales of defense articles and services to NATO countries, Japan, Australia, New Zealand, and Israel; to the Committee on Foreign Affairs.

By Mr. HOBSON:

H.R. 2931. A bill to require State agencies to register all offenders convicted of any acts involving child abuse with the National Crime Information Center of the Department of Justice; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota:

H.R. 2932. A bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve; to the Committee on Armed Services.

By Mr. KILDEE:

H.R. 2933. A bill to amend the National School Lunch Act to extend through the fiscal year 1994 the pilot project relating to the provisions of all cash payments or all commodity letters of credit in lieu of entitlement commodities for school lunch programs; to the Committee on Education and Labor.

By Mr. MOODY:

H.R. 2934. A bill to expand the unemployment compensation benefits available to former members of the Armed Forces; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 2935. A bill to designate the building located at 6600 Lorain Avenue in Cleveland, OH, as the "Patrick J. Patton U.S. Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. PRICE (for himself, Mr. BROWN, Mr. BOUCHER, Mr. VALENTINE, Mr. BOEHLERT, Mr. LEWIS of Florida, Mr. ROGERS, Mr. BROWDER, Mr. ESPY, Mr. FROST, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. LANCASTER, Mr. PERKINS, Mr. ROE, Mr. SAWYER, Ms. SLAUGHTER of New York, and Mr. TOWNS):

H.R. 2936. A bill to establish programs at the National Science Foundation for the advancement of technical education and training in advanced technology occupations, and for other purposes; jointly to the Committee on Science, Space, and Technology, Education and Labor.

By Mr. ROTH:

H.R. 2937. A bill to regulate interstate commerce by providing for uniform treatment of selected product liability problems, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. SERRANO (for himself, Mr. MILLER of California, and Mr. HAYES of Illinois):

H.R. 2938. A bill to establish a Teacher Opportunity Corps to enable paraprofessionals working in targeted schools to become certified teachers through part-time and summer study; to the Committee on Education and Labor.

By Mr. WALKER (for himself, Mr. LEWIS of Florida, Mr. BOEHLERT, Mr. RITTER, and Mr. HENRY):

H.R. 2939. A bill to encourage and enhance science and technology research and development in the U.S. motor vehicle industry, to encourage cooperation between the Federal Government and the domestic motor vehicle industry to increase U.S. competitiveness, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. YOUNG of Alaska (for himself, Mr. HORTON, Mr. ABERCROMBIE, Mrs. MINK, Mr. GILMAN, Mr. BURTON of Indiana, Mrs. MORELLA, Mr. MCMILLEN of Maryland, and Mr. HAYES of Illinois):

H.R. 2940. A bill to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States; to the Committee on Government Operations.

By Mr. CLEMENT (for himself, Mr. COOPER, Mr. DUNCAN, Mr. FORD of Tennessee, Mr. GORDON, Mrs. LLOYD, Mr. SUNDQUIST, Mr. TANNER, Mr. QUILLEN, Mr. ALEXANDER, Mr. ANTHONY, Mr. BARNARD, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BREWSTER, Mr. BROOKS, Mr. BROWDER, Mr. BUNNING, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CHANDLER, Mr. COBLE, Mr. CONDIT, Mr. COSTELLO, Mr. CRAMER, Mr. DARDEN, Mr. DERRICK, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. ENGEL, Mr. ESPY, Mr. FROST, Mr. GILCHREST, Mr. GONZALEZ, Mr. GUARINI, Mr. HARRIS, Mr. HATCHER, Mr. HAYES of Louisiana, Mr. HOCHBRUECKNER, Mr. HUTTO, Mr. JACOBS, Mr. JONTZ, Mr. KANJORSKI, Mr. KASICH, Mr. KILDEE, Mr. KOLTER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIPINSKI, Ms. LONG, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MCCRERY, Mr. MCDERMOTT, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MONTGOMERY, Mr. MORAN, Mr. MORRISON, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. NICHOLS, Ms. NORTON, Ms. OAKAR, Mrs. PATTERSON, Mr. PAXON, Mr. PAYNE of Virginia, Mr. PAYNE of New Jersey, Mr. PERKINS, Mr. PICKETT, Mr. POSHARD, Mr. PURSELL, Mr. RAHALL, Mr. RAVENEL, Mr. ROBERTS, Mr. ROE, Mr. ROWLAND, Mr. ROYBAL, Mr. SANDERS, Mr. SAVAGE, Mr. SCHULZE, Mr. SERRANO, Mr. SKELTON, Mr. SLATTERY, Mr. SMITH of Florida, Mr. SPENCE, Mr. TALLON, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TOWNS, Mr. TRAFICANT, Mr. WHITTEN, Mr. WOLF, Mr. OXLEY, Mr. SISISKY, Mr. ROGERS, Mr. FEIGHAN, Mr. MARTINEZ, Mr. HAMMERSCHMIDT, and Mr. LANCASTER):

H.J. Res. 305. Joint resolution to designate the month of October, 1991 as Country Music Month; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mr. JONES of North Carolina, Mr. KOSTMAYER, Mr. FRANK of Massachusetts, Mr. OWENS of Utah, Mr. STARK, Mr. DELLUMS, Mr. SERRANO, Mr. LIPINSKI, Ms. KAPTUR, Mr. JEFFERSON, Mr. FAZIO, and Mr. KENNEDY):

H.J. Res. 306. Joint resolution to designate the Port Chicago Naval Magazine as a National Memorial; to the Committee on Interior and Insular Affairs.

By Mr. OWENS of Utah (for himself, Mr. HOBSON, Mr. LEACH, and Mr. DYMALLY):

H.J. Res. 307. Joint resolution to designate 1991 as the "25th Anniversary Year of the Formation of the President's Committee on Mental Retardation"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of Washington:

H. Con. Res. 183. Concurrent resolution concerning the cooperation of the People's Republic of China in efforts to obtain information regarding the status of members of the Armed Forces of the United States who served in the Korean and Vietnam conflicts; to the Committee on Foreign Affairs.

By Mr. VISCLOSKY (for himself, Mr. MURTHA, Mr. GAYDOS, Mr. REGULA, Mr. APPLEGATE, Mr. MOLLOHAN, Mrs. BENTLEY, Mr. NOWAK, Mr. OBERSTAR, Mr. RUSSO, Mr. ERDREICH, Mr. BRYANT, Mr. COYNE, Mr. JACOBS, Mr. JONTZ, Mr. MCCLOSKEY, Mr. MYERS of Indiana, Mr. ROEMER, and Mr. RAHALL):

H. Con. Res. 184. Concurrent resolution regarding the regulation of steel product imports into the United States from the Union of South Africa; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

231. By the SPEAKER: Memorial of the Legislature of the State of Nebraska, relative to a Hunger Relief Act; to the Committee on Education and Labor.

232. Also, memorial of the Legislature of the State of Texas, relative to the status of American service personnel in Southeast Asia; to the Committee on Government Operations.

233. Also, memorial of the Legislature of the State of Louisiana, relative to boat user fees; to the Committee on Merchant Marine and Fisheries.

234. Also, memorial of the Legislature of the State of Louisiana, relative to the improvement and maintenance of the Quachita River; to the Committee on Public Works and Transporation.

235. Also, memorial of the Legislature of the State of Main, relative to Social Security benefits; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 44: Mr. HUTTO and Mr. FISH.

H.R. 73: Mr. OBERSTAR, Mr. FALEOMAVAEGA, Mr. LIPINSKI, Mr. ROSE, Mr. JACOBS, Mr. SHAYS, Mr. SMITH of Oregon, Mr. OWENS of Utah, Mr. PICKETT, Mr. EMERSON, Mr. TAUZIN, Mr. SANDERS, Mr. BURTON of Indiana, Ms. SNOWE, Mrs. KENNELLY, Mr. GALLEGLY, Mr. SOLOMON, Mr. WISE, Mr. MORRISON, Mr. LAGOMARSINO, Mr. THOMAS of Georgia, Mr. ALEXANDER, Mr. WILLIAMS, Mr. ZELIFF, Mr. TAYLOR of North Carolina, Mr. STUDDS, Mr. COX of California, Mr. PORTER, Mr. REED, Ms. LONG, Mr. GILCHREST, Mr. HARRIS, Mr. ROBERTS, Mr. QUILLEN, Mr. STEARNS, Mr. BUSTAMANTE, Mr. PRICE, Mr. COLEMAN of Texas, Mr. MACHTLEY, Mr. DURBIN, Mr. DELLUMS, Mr. CLINGER, Mr. LEWIS of Florida, Mr. STUMP, Mr. DANNEMEYER, and Mr. JONES of North Carolina.

H.R. 74: Mr. SMITH of Florida, Mr. BERMAN, Mr. RAHALL, and Mr. STOKES.

H.R. 196: Mr. ESPY and Mr. MINETA.

H.R. 261: Mr. OXLEY, Mr. LAROCCO, Mr. LANCASTER, Mr. HARRIS, Mr. JOHNSTON of Florida, Mr. MURPHY, Mr. MURTHA, and Mr. UPTON.

H.R. 310: Mr. LEACH.

H.R. 311: Mr. HERGER.

H.R. 392: Mr. OLVER.

H.R. 393: Mr. PAYNE of New Jersey.

H.R. 431: Mr. WOLPE and Mr. STAGGERS.

H.R. 501: Mr. KENNEDY.

H.R. 516: Mr. MCNULTY, Mr. DYMALLY, and Mr. AUCOIN.

H.R. 534: Mr. SKEEN, Mr. BACCHUS, Mr. DOOLEY, Mr. VISCLOSKY, Mrs. KENNELLY, Mr. SANTORUM, Mr. CRAMER, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. ACKERMAN, and Mr. GINGRICH.

H.R. 661: Mr. SHAW and Mr. BROOMFIELD.

H.R. 747: Mr. PURSELL, Mr. GOODLING, Mr. GORDON, Mr. JACOBS, Mr. GALLEGLY, Mr. VOLKMER, Mrs. JOHNSON of Connecticut, Mr. BURTON of Indiana, Mr. MURPHY, Mr. BAKER, Mr. HAMMERSCHMIDT, Mr. MCCRERY, Mr. FORD of Michigan, Mr. ANNUNZIO, Mr. JONES of Georgia, Mr. BROWDER, Mr. ESPY, Mr. NOWAK, Mr. EMERSON, Mr. SANGMEISTER, and Mr. STALLINGS.

H.R. 784: Mr. ROEMER.

H.R. 791: Mr. KOSTMAYER.

H.R. 809: Mr. JOHNSON of South Dakota.

H.R. 858: Mr. FIELDS, Mr. MARTIN, Mr. DORNAN of California, Ms. HORN.

H.R. 939: Mr. MACHTLEY.

H.R. 1004: Mrs. ROUKEMA.

H.R. 1092: Mr. HARRIS.

H.R. 1130: Mr. BILIRAKIS and Mr. POSHARD.

H.R. 1134: Mr. SCHIFF.

H.R. 1147: Mr. PETERSON of Florida, Mr. GIBBONS, and Mr. BORSKI.

H.R. 1200: Mr. SUNDQUIST.

H.R. 1234: Mr. SMITH of New Jersey.

H.R. 1239: Mr. JOHNSTON of Florida.

H.R. 1241: Mr. REGULA, Mr. HORTON, and Mr. WALSH.

H.R. 1277: Mr. CHAPMAN, Mrs. PATTERSON, Mr. POSHARD, Mr. JOHNSTON of Florida, Mrs. LOWEY of New York, and Mr. BRYANT.

H.R. 1300: Mr. DYMALLY and Mr. MAVROULES.

H.R. 1335: Mr. ROTH, Ms. DELAURO, Mr. DIXON, Mrs. LOWEY of New York, Mr. SOLARZ, Mr. SMITH of Florida, and Mr. BOUCHER.

H.R. 1344: Mr. MAZZOLI, Mr. BERMAN, and Mr. SANDERS.

H.R. 1355: Mr. ECKART, Mrs. JOHNSON of Connecticut, Mr. SOLOMON, Mr. DANNEMEYER, and Mr. HUNTER.

H.R. 1356: Mr. SANTORUM.

H.R. 1368: Mr. THOMAS of Georgia.

H.R. 1380: Mr. IRELAND.

H.R. 1417: Ms. PELOSI, Mr. MACHTLEY, Mr. SLAUGHTER of Virginia, Mr. COMBEST, and Mr. STEARNS.

H.R. 1423: Mr. PETERSON of Minnesota and Mr. TOWNS.

H.R. 1426: Mr. MFUME, and Mr. CARDIN.

H.R. 1450: Mr. BARRETT, Mr. NEAL of Massachusetts, and Ms. OAKAR.

H.R. 1468: Mr. HUNTER.

H.R. 1472: Mr. WHITTEN, Mr. KLUG, Mr. MCCURDY, Mr. ZIMMER, and Mr. WOLF.

H.R. 1481: Mr. GINGRICH and Mrs. ROUKEMA.

H.R. 1522: Mrs. VUCANOVICH, Mr. BONIOR, Mr. HAYES of Illinois, Mr. GUARINI, Mr. WASHINGTON, Mr. DELLUMS, Mr. CLAY, and Mr. OWENS of Utah.

H.R. 1551: Mr. HYDE.

H.R. 1554: Mr. KOLTER.

H.R. 1559: Mr. ANDERSON.

H.R. 1572: Mr. WALKER and Mr. MCDADE.

H.R. 1602: Mr. BROWN and Mrs. BOXER.

H.R. 1635: Mr. MARKEY.

H.R. 1664: Mrs. MINK, Mr. MCDERMOTT, Mr. DELLUMS, Mr. LEWIS of Georgia, Mr. POSHARD, Mr. JONTZ, Mr. SCHEUER, and Mr. JACOBS.

H.R. 1676: Mr. EMERSON.

H.R. 1704: Mr. ECKART, Mr. CONDIT, Mr. ANDERSON, and Mr. RAY.

H.R. 1723: Mr. STUDDS.

H.R. 1777: Mr. PETERSON of Florida and Mr. LEWIS of Georgia.

H.R. 1791: Mr. ESPY, Mr. BORSKI, and Mr. DOWNEY.

H.R. 1820: Mrs. MINK, Mr. JOHNSON of South Dakota, Mr. SLATTERY, Mr. MFUME, Mr. MARTINEZ, and Mr. LEWIS of Georgia.

H.R. 1853: Mr. DUNCAN.

H.R. 1860: Mr. PETERSON of Minnesota and Mr. NUSSLE.

H.R. 1885: Mr. SLATTERY and Mr. LAGOMARSINO.

H.R. 1969: Mr. GEREN of Texas.

H.R. 1987: Mr. MINETA, Mrs. UNSOELD, Mr. JONTZ, and Mr. TOWNS.

H.R. 2001: Mr. GORDON.

H.R. 2027: Mr. MACHTLEY.

H.R. 2046: Mr. LAGOMARSINO.

H.R. 2056: Mr. MATSUI.

H.R. 2234: Mr. STENHOLM and Mr. NEAL of North Carolina.

H.R. 2244: Mr. STUDDS and Mr. GONZALEZ.

H.R. 2299: Mr. YATES, Mr. EVANS, and Mr. LEWIS of Georgia.

H.R. 2303: Mr. ACKERMAN, Mr. TOWNS, Mr. FISH, and Mr. SABO.

H.R. 2333: Mr. GILLMOR.

H.R. 2361: Mr. SMITH of Oregon and Mr. CARR.

H.R. 2363: Mr. MACHTLEY and Mr. CRAMER.

H.R. 2369: Mr. JOHNSTON of Florida and Mr. DE LUGO.

H.R. 2439: Mr. LEWIS of Georgia.

H.R. 2463: Mr. SKEEN, Mr. BAKER, Mr. TAYLOR of North Carolina, Mr. HANSEN, and Mr. AUCOIN.

H.R. 2470: Mr. EMERSON.

H.R. 2484: Mrs. JOHNSON of Connecticut and Mr. MCEWEN.

H.R. 2493: Mr. ZELIFF.

H.R. 2515: Mr. FEIGHAN, Mr. GALLO, Mr. MAVROULES, Mr. RIGGS, Mr. ZELIFF, Mr. ZIMMER, Mr. GUARINI, Mr. CRAMER, and Mr. SMITH of Florida.

H.R. 2553: Mr. SENSENBRENNER and Mr. MOORHEAD.

H.R. 2555: Mr. WEISS, Mr. BEILENSON, Mr. LAFALCE, Mr. FORD of Tennessee, Mrs. SCHROEDER, Mr. TOWNS, Mr. WHEAT, Mr. RANGEL, Mr. OWENS of Utah, Mr. OWENS of New York, Mr. HOCHBRUECKNER, and Mr. LEWIS of Georgia.

H.R. 2566: Mr. ECKART, Mr. PICKLE, Mr. STENHOLM, Mr. BUSTAMANTE, Mr. HUNTER, Ms. WATERS, Mr. LEWIS of California, Mr. PACKARD, Mr. BALLENGER, Mr. MOORHEAD, Mr. ROYBAL, Mr. DREIER of California, Mr. TORRES, Mr. LEHMAN of California, Mr. BRYANT, Mr. RHODES, Mr. HARRIS, Mr. CLEMENT, Mr. KOLBE, Mr. BLILEY, Mr. COBLE, Mr. DERRICK, Mr. BROWN, Mr. LIPINSKI, Mr. PRICE, Mr. BEVILL, Mr. CUNNINGHAM, Mr. DORNAN of California, Mr. DE LA GARZA, Mr. DANNEMEYER, and Mr. DYMALLY.

H.R. 2569: Mr. GREEN of New York, Mr. DANNEMEYER, and Mr. HERGER.

H.R. 2579: Mr. WISE.

H.R. 2584: Mr. STENHOLM.

H.R. 2587: Mrs. MEYERS of Kansas.

H.R. 2590: Mrs. JOHNSTON of Florida and Mr. LEWIS of Georgia.

H.R. 2603: Mr. SCHEUER.

H.R. 2629: Mr. BONIOR, Mr. ACKERMAN, Mr. JOHNSTON of Florida, Mr. TORRES, Mr. WALSH, and Mr. KILDEE.

H.R. 2634: Mr. WISE, Mr. TOWNS, Mr. FROST, Mrs. BYRON, Ms. SLAUGHTER of New York, and Mr. SWETT.

H.R. 2638: Mr. MILLER of Ohio.

H.R. 2646: Mr. DANNEMEYER.

H.R. 2689: Mr. GUNDERSON, Mr. RIGGS, Mr. LIPINSKI, Mr. KLUG, Mr. SOLOMON, and Mr. TAYLOR of North Carolina.

H.R. 2696: Mr. JONTZ.

H.R. 2715: Mr. OWENS of New York, Ms. NORTON, Mr. FROST, and Mr. SERRANO.

H.R. 2724: Ms. NORTON, Mr. LANCASTER, and Mr. DEFAZIO.

H.R. 2810: Mr. GUNDERSON, Mr. RINALDO, Mr. PAXON, Mr. BROOMFIELD, Mr. LOWERY of California, Mr. HYDE, and Mr. DE LUGO.

H.R. 2811: Mr. ALEXANDER, Mr. ANNUNZIO, Mr. DEFAZIO, Mr. EMERSON, Mr. HAYES of Louisiana, Mr. PAYNE of Virginia, Mr. PETRI, Mr. POSHARD, Mr. ROE, Mr. SANGMEISTER, and Mr. TRAFICANT.

H.R. 2819: Mr. JONTZ, Mr. POSHARD, Mr. SERRANO, Mr. BOUCHER, Mr. CHAPMAN, Mr. JENKINS, Mr. GUNDERSON, Mr. RAHALL, Mr. RANGEL, Mr. MARTINEZ, Mr. EVANS, Mr. WALSH, and Mr. WILLIAMS.

H.R. 2855: Mr. HAMILTON, Mr. PALLONE, Mr. TOWNS, Mr. KILDEE, Mr. HOCHBRUECKNER, Mr. MACHTLEY, Mr. BOUCHER, and Mr. JONTZ.

H.R. 2861: Mr. GUARINI.

H.J. Res. 95: Mr. LANTOS, Mr. SOLARZ, Mr. ZELIFF, Mr. STEARNS, Mr. BROWDER, and Mr. INHOFE.

H.J. Res. 178: Mrs. VUCANOVICH.

H.J. Res. 228: Mr. ROHRABACHER, Mr. LEHMAN of California, Mr. HALL of Ohio, Mr. STUDDS, Mr. MORRISON, Mr. LEWIS of Florida, Mr. DOOLEY, Mr. QUILLEN, and Mr. SHAW.

H.J. Res. 242: Mr. BRYANT, Mr. ASPIN, Mr. BREWSTER, Mr. BILBRAY, Mr. CARR, Mr. HALL of Ohio, Mr. HUBBARD, Mr. HUNTER, Mr. JEF-

FERSON, Mr. LIVINGSTON, Ms. LONG, Mr. KANJORSKI, Mr. MCMILLEN of Maryland, and Mr. EMERSON.

H.J. Res. 273: Mr. FROST, Mr. HARRIS, Mr. HORTON, Mr. MCNULTY, Mr. OWENS of Utah, Mr. TOWNS, Mr. HASTERT, Mr. RANGEL, Mr. MATSUI, and Mr. LANCASTER.

H.J. Res. 283: Mr. REGULA, Mr. WOLF, Mr. HORTON, Mr. EMERSON, Mr. GUARINI, Mr. LANCASTER, Mr. CLEMENT, Mr. LIPINSKI, and Mr. WALSH.

H.J. Res. 284: Mr. HUGHES, Mr. PAYNE of Virginia, Mr. SMITH of Florida, Mr. SKELTON, Mr. SPRATT, Mr. GORDON, Mr. HATCHER, Mr. ROSE, Mr. ESPY, Mr. MCMILLEN of Maryland, Mr. RAHALL, and Mr. FUSTER.

H. Con. Res. 3: Mr. SANTORUM.

H. Con. Res. 128: Mr. OWENS of Utah.

H. Con. Res. 172: Mr. LIPINSKI, Mr. MINETA, and Mrs. LOWEY of New York.

H. Res. 115: Mr. MFUME, Mr. LEWIS of Georgia, and Mr. ZELIFF.

H. Res. 139: Mr. GOSS, Mr. SCHEUER, Mr. GORDON, Mr. FROST, Mr. GALLEGLY, Mr. LENT, Mr. ESPY, Mr. BUSTAMANTE, Mr. RANGEL, Mr. ZELIFF, Mr. DOOLITTLE, and Mr. BROWDER.

H. Res. 167: Mr. CAMP, Mrs. LOWEY of New York, Mr. MCCANDLESS, Mr. WISE, and Mr. WALSH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H. Res. 173: Mr. COMBEST.

AMENDMENTS

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

H.R. 1776

Mr. GEJDENSON of Connecticut:

—Page 26, after line 5, add at the end of the bill the following new section:

SEC. 27. SENSE OF THE CONGRESS RELATING TO THE ROLE OF THE COAST GUARD IN THE PERSIAN GULF CONFLICT.

(a) FINDINGS.—The Congress finds that—

(1) members of the Coast Guard played an important role in the Persian Gulf Conflict;

(2) 950 members of the Coast Guard Reserve were called to active duty during the Persian Gulf Conflict and participated in various activities, including vessel inspection, port safety and security, and supervision of loading and unloading hazardous military cargo;

(3) members of Coast Guard Law Enforcement Detachments led or directly participated in approximately 60 percent of the 600 vessel boardings in support of maritime interception operations in the Middle East;

(4) 10 Coast Guard Law Enforcement Teams were deployed for enforcement of United Nations sanctions during the Persian Gulf Conflict;

(5) over 300 men and women in the Coast Guard Vessel Inspection Program participated in the inspection of military sealift vessels and facilitated the efficient transportation of hazardous materials, munitions, and other supplies to the combat zone;

(6) members of the Coast Guard served in the Joint Information Bureau Combat Camera and Public Affairs staffs;

(7) approximately 550 members of the Coast Guard served in port security units in the Persian Gulf area, providing port security and waterside protection for ships unloading essential military cargo;

(8) the Coast Guard Environmental Response Program headed the international Interagency Oil Pollution Response Advisory Team for cleanup efforts relating to the massive oil spill off the coasts of Kuwait and Saudi Arabia;

(9) the Coast Guard Research and Development Center developed a deployable positioning system for the Explosive Ordinance Disposal Area Search Detachment, saving the detachment time and thousands of dollars, while also increasing the effectiveness and efficiency of the minesweeping and ordinance disposal operations in the Persian Gulf area; and

(10) Coast Guard units remain in the Persian Gulf area and continue to provide essential support including both port security and law enforcement.

(b) COMMENDATION.—The Congress commends the Coast Guard for the important role it played in the Persian Gulf Conflict and urges the people of the United States to recognize such role.

SENATE—*Wednesday, July 17, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For the love of money is the root of all evil * * *.—I Timothy 6:10.

Almighty God, true and righteous altogether, sovereign Lord of history, we need desperately Your grace. The hard saying of the Apostle Paul is a bitter pill to swallow. Nevertheless, all around us we see the confirmation of its truth and the consequences of greed: Financial crises of State and Nation, great cities, major businesses, the junk bond fiascoes, corporate takeovers, S&L and bank failures because of corruption and mismanagement, epidemic bankruptcy. Not to mention the enormous profits which fuel the drug traffic and the spread of poverty despite great wealth.

We are reminded of Jesus' rebuke, "No man can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye cannot serve God and money."—Matthew 6:24. Gracious, patient, forgiving Lord, help us acknowledge our sin, rearrange our priorities, and recognize the peril in the love of money.

For the love of God and the renewal of our national life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 17, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein. The Senator from Connecticut [Mr. DODD] is permitted to speak for up to 10 minutes, and the Senator from Louisiana [Mr. JOHNSTON] is permitted to speak for up to 20 minutes.

The Chair recognizes the Senator from Louisiana.

TITLE VI OF S. 1220—ENERGY EFFICIENCY

Mr. JOHNSTON. Mr. President, 6 weeks ago, the Committee on Energy and Natural Resources passed, by a vote of 17 to 3, the most comprehensive, the most balanced, the most effective piece of energy legislation ever to be considered by any committee of the U.S. Congress, and it is now presented to the U.S. Senate for consideration whenever it can appropriately be brought up on the floor. That legislation, S. 1220, was discussed yesterday.

Today, I would like to focus on a principal element of S. 1220—and an essential component of any meaningful energy policy—energy efficiency. Title VI of S. 1220 has some 30 provisions on energy efficiency which have been designed to increase energy efficiency in the industrial, commercial, and residential sectors of the economy; to encourage the Federal Government to use energy more efficiently; to provide incentives to utilities to aggressively promote efficiency; to assist State and local governments in implementing energy efficiency programs; and to establish a program for the collection and reuse of used oil that is improperly dumped into the Nation's soil and water.

With few exceptions, all of the energy efficiency proposals presented for the committee's consideration have been included in S. 1220 in some form. While the full Senate may debate how specific provisions should be strengthened or modified, S. 1220 puts nearly all viable nontax and nontransportation energy efficiency policy options into play for consideration by the 102d Congress.

I would like to recognize Senator WIRTH, chairman of the Regulation and Conservation Subcommittee of our committee, for his contributions to the efficiency provisions of this bill. Many of the energy efficiency provisions in the original National Energy Security Act, S. 341, were derived from Senator WIRTH'S National Energy Policy Act which passed the Senate last year but which did not make its way into law. In addition, the Senator proposed two comprehensive amendments on energy efficiency during committee consideration of this legislation. As a result of his commitment to conservation, the energy efficiency provisions of S. 1220 are stronger and more comprehensive than those of any bill that has been reported by the committee in many years.

If examined closely, I believe members will agree that S. 1220 is a thoughtful and realistic package which will substantially improve the Nation's energy efficiency.

Mr. President, I ask unanimous consent that a summary of all of the energy efficiency provisions of S. 1220 be printed in the RECORD following my statement and I will highlight the three areas of greatest significance.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JOHNSTON. First, utility policy.

The Nation's utilities are in a unique position to promote energy efficiency because of their technical ability to evaluate energy efficiency opportunities, their special relationship with their customers, and their ability to assist in financing energy efficiency improvements. Unfortunately, in most States a utility's profits are linked to its energy sales. Therefore, there is an institutional disincentive for utilities to promote measures that reduce sales even though they result in more efficient use of energy.

S. 1220 seeks to reverse this situation, and to encourage utilities to aggressively promote energy efficiency, by directing States to consider allowing utilities to earn at least as much profit from their energy efficiency program investments—and from improving their own system efficiency—as they earn from energy production investments. This shift in State policy would convert the current disincentive into a powerful incentive.

In addition, S. 1220 encourages the States to consider directing utilities to adopt integrated resource planning, and its imposes integrated resource planning requirements on certain Fed-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

eral power marketing agencies and on the Tennessee Valley Authority. Integrated resource planning, similar to least-cost planning, is a decisionmaking process that considers all of the alternatives for meeting utility service needs—including energy efficiency alternatives—before final investment decisions are made. Given the cost-effectiveness of many energy efficiency projects, the adopting of integrated resource planning by utilities and Federal power marketing agencies will result in more energy efficiency initiatives by utilities. The American Council for an energy efficient economy estimates that these utility sector initatives will save the Nation 1.5 quads—that is, 1.5 quadrillion BTU's—of energy per year by the year 2010. That is the energy equivalent of 258 million barrels of oil per year.

A second highlight of S. 1220 is appliance and equipment efficiency.

The appliance and equipment standards established in 1987 and 1988 are one of the most cost effective Federal energy efficiency programs. The annual cost of the program to the Department of Energy is less than $5 million. However, the savings that result from the elimination of the least efficient furnaces, water heaters, air-conditioners, and other covered appliances will reach nearly 1.0 quad per year by 2000.

S. 1220 expands this residential appliance program by establishing maximum flow rates for showerheads that would result in additional energy savings estimated at nearly 0.3 quads annually by 2010. Perhaps more important, S. 1220 establishes, or authorizes, standards for commercial and industrial equipment for the first time. It is estimated that the inclusion of commercial air conditioning and heating equipment, lamps, and utility distribution transformers in the appliance standards program will save the Nation over 0.5 quads annually by the year 2010. Finally, S. 1220 expands labeling requirements to assist consumers in identifying and purchasing more efficient and cost effective products. Labels for lighting equipment, windows and office equipment are expected to save the Nation 0.3 quads per year by the year 2010.

The buildings sector is a third area of energy efficiency initiatives in S. 1220.

Buildings consume roughly 36 percent of the Nation's energy. S. 1220 includes an extensive package of proposals to spur energy efficiency improvements in buildings by reauthorizing and redirecting of the Department of Energy's Building Efficiency Standards Program. The general approach taken in S. 1220 is to better coordinate and integrate the Building Energy Efficiency Standards Program of the Federal Government with the efforts of industry, and with the State and local governments which have the authority to enforce building standards. I am pleased that a recent study by the Alliance to Save Energy, "Better Building Codes for Energy Efficiency" concurs in one of the main objectives of S. 1220, to encourage States to adopt the Model Energy Code that has been developed by the Council of American Building Officials.

S. 1220 would also strengthen the efficiency standards for Federal buildings and for buildings purchased with Federal mortgages. Building standards have an enormous potential for energy savings, but are slow to produce results because of the slow rate of turnover in the Nation's building stock. Preliminary estimates are that building standards would save 0.025 quads per year in the year 2010.

Finally, S. 1220 includes provisions to establish voluntary national home energy rating guidelines, to promote the use of energy efficient mortgages, and to establish stronger energy efficiency standards for manufactured housing.

Mr. President, in addition to these highlights in utility policy, appliance standards, and the building sector, S. 1220 includes a range of provisions dealing with energy use in everything from Federal buildings to Indian reservations.

Nevertheless, there are those who have asserted that S. 1220 does not go far enough with conservation. I would caution my colleagues not to prejudge this legislation. Congress has been closely examining energy policy options since the early 1970's. With S. 1220 the committee has put together a comprehensive package of the viable energy efficiency options.

If there are new ideas, I encourage their consideration. But I emphasize the committee has been dealing with this for a long time. We have Members dedicated to energy efficiency, to alternate fuels, to conservation. And we have applied ourselves to that, and the result is S. 1220.

In my experience, promoting energy efficiency, like all energy policy, is hard work. It is not enough to have a good idea. The Nation needs good ideas that recognize the complex nature of the energy industry, that are cost effective, and which have the votes needed for enactment.

Keeping these difficulties in mind, Members can better appreciate the challenge faced by the committee and can better evaluate S. 1220.

I mention one particular part of this bill that brought into conflict two of our Members who are most dedicated to energy conservation and energy efficiency, Senator WIRTH on the one hand, who has been a great leader in energy efficiency, and Senator BUMPERS, who knows no peer in the whole Congress in terms of dedication to energy efficiency, conservation, and alternate fuels.

Senator WIRTH had proposed regulation of electric motors. Senator BUMPERS, who happens to have in the State of Arkansas a manufacturer of electric motors, pointed out that there are so many different kinds of motors, from those which open garage doors to those which open tin cans. There are thousands of different kinds of motors, and the amount of energy that individual motors use is frequently inconsequential. And, therefore, to require that of, for example, a motor that opens up a garage door that is used only a few times a day be regulated, might add a great deal of expense and regulation and red tape to a machine the energy use of which is not particularly important.

We want back and forth on that particular amendment, and the committee, by a fairly close vote, was finally persuaded that Senator BUMPERS was right; that even though we are dedicated to standards for energy efficiency, that to regulate every motor, every electric motor, might be a greater expenditure in time and effort and red tape than the payoff which we would get for regulation of those motors. That was one major recommendation which was given to us which was not included in S. 1220. I think it is, even though I happened to have voted against Senator WIRTH in that particular instance, a good illustration of the tradeoffs that are often involved in energy efficiency.

With respect to this bill, as I mentioned earlier, in every area where we had a major recommendation, we adopted some form of that recommendation. Sometimes we did not go quite as far as some would like us to go. In many cases we went much further than others would have liked us to go. But the point is, we covered the waterfront of every area that we are familiar with. I and my staff, and a couple of other Members there, have been on that committee now for some 19 years and have a great deal of experience in this.

To have included every area means that this is a comprehensive energy efficiency bill. If it can be strengthened, we welcome those recommendations, we welcome those amendments on the Senate floor. But we urge our colleagues to be familiar with what this bill does in energy efficiency because it is a landmark bill in energy efficiency.

As I mentioned yesterday, this bill is an omnibus bill. It contains energy efficiency. It contains the most comprehensive set of recommendations on alternate fuels, requiring, for example, fleets to use alternate fuels in a major way. If you have 50 cars, any 20 of which are centrally garaged, you are going to be required to phase in alternate fuels for your vehicles. That is revolutionary. I think it is also effective.

We have research in everything from electric cars to natural-gas-powered cars, methanol, ethanol, ETB, MTBE,

you name it, if it is an alternate fuel, we have research demonstration projects involved in this bill. As I mentioned there are vast conservation provisions, including those on CAFE standards, fuel efficiency standards for automobiles. We will be discussing those individual parts of this in the next few days so that my colleagues, in advance of consideration here on the Senate floor, and the country as a whole, can get an idea of what this bill consists of.

Many parts of S. 1220 are highly controversial. We understand that. If there were an easy way to have a national energy policy, some way we could produce a huge amount of energy to get this Nation off its dependence, which is now 50 percent dependence on foreign oil, headed toward two-thirds dependence on foreign oil by the year 1995 according to former Secretary of Energy Jim Schlesinger and others, if there were an easy way to do that, we would have done that a long time ago, Mr. President. If there was a magic carburetor out there, if there was some magic way to produce this energy, we would have done it a long time ago.

To do it involves some controversial things, and we will be discussing those. But it is a balanced bill, one that involves production, as well we must have production; one that involves conservation, alternate fuels and, as we point out, energy efficiency which we have discussed today.

So, Mr. President, I urge my colleagues to be familiar with this bill because it is going to be a comprehensive bill when we consider it. The majority leader tells me he is committed to bringing up this bill this year. I would think that would not mean this month, as I look at the calendar and particularly the appropriations bills. But I do take him at his word that it does mean this year. I look forward to passage of a national energy policy for once in the life and history of this country, an effective national energy policy.

I yield the floor.

EXHIBIT 1

TITLE VI—ENERGY EFFICIENCY

Subtitle A.—Industrial, Commercial and Residential

Building Energy Efficiency Standards.—Requires the Secretary of Energy to issue a Federal building energy code to assure that all new Federal buildings include energy efficiency measures that are technically feasible and economically justified. Also requires all buildings receiving Federal mortgages to meet or exceed the Federal code. Finally, the section requires the Secretary to support and participate in the upgrading of the voluntary industry building energy codes, and authorizes incentive funding to States and localities which adopt energy building codes at least as stringent as the voluntary industry code.

Residential Energy Efficiency Ratings and Mortgages.—Directs the Secretary to issue voluntary guidelines to be used by States, local organizations and others to develop energy rating systems for residential buildings. Authorizes technical assistance to encourage the adoption of rating systems. Finally, the section encourages the use of energy efficient mortgages to maintain housing affordability by authorizing a requirement that homebuyers be notified of the availability of energy efficient mortgages at the time of mortgage application.

Manufactured Housing Efficiency.—Requires the Secretary to make recommendations to the National Commission on Manufactured Housing regarding energy efficiency improvements to manufactured housing. Also requires the Commission to make such recommendations to the Secretary of HUD who has the authority to set energy standards. Finally, the section requires the Secretary to test the performance of manufactured housing built to the established standards.

Improving Efficiency in Energy-Intensive Industries.—Directs the Secretary to pursue a research and development program and joint venture program to improve efficiency in energy-intensive industries and industrial processes.

Report.—Directs the Secretary to give energy efficiency high priority in the areas of planning, research and development, private assistance, and Federal procurement. The Secretary is directed to prepare a report which evaluates energy efficiency policies and their potential to decrease overall United States energy use and oil consumption per unit of GNP.

Voluntary Guidelines for Industrial Plants.—Requires the Secretary, in cooperation with utilities and major industrial energy consumers, to establish voluntary guidelines for the conduct of energy audits, and for the installation of insulation, in industrial facilities for purposes of identifying cost-effective options for reducing energy use.

Energy Efficiency Labeling for Windows and Window Systems.—Requires the Secretary to provide financial assistance to support the voluntary development of a nationwide program to develop energy ratings and labels for windows and window systems. The section further requires the Federal Trade Commission to develop such a program if it is not developed voluntarily within two years.

Energy Efficiency Information.—Directs the Administrator of the Energy Information Administration to expand the scope and frequency of data collection under the National Energy Information System in order to improve the ability of the Department of Energy to evaluate the effectiveness of energy efficiency policies and programs.

Energy Efficiency Labeling for Lamps and Luminaries.—Requires the Secretary to provide financial and technical assistance to support the voluntary development of a labeling program for lamps and luminaries. The section further requires the Federal Trade Commission to develop such a program if it is not developed voluntarily within two years.

Commercial and Industrial Equipment Efficiency.—Adds lamps, commercial air conditioning and heating equipment, and utility distribution transformers to the appliance energy efficiency program, and requires the Secretary to conduct a study of the potential benefits of upgrading utility distribution transformers at the time of their routine maintenance. Finally, this section requires the Secretary to provide support for the development of a voluntary labeling system for commercial office equipment, or directs the Federal Trade Commission to develop such a program if one is not developed voluntarily within two years.

Energy Efficiency of Showerheads.—Establishes a maximum flow rate of 2.5 gallons per minute at 80 psi for showerheads manufactured after July 1, 1992 unless ANSI publishes a different standard before March 1, 1992, in which case the ANSI standard shall apply. Requires the adoption of any future ANSI standard if it is more stringent than the existing standard, and preempts all prospective state and local showerhead flow rate standards. Finally, the section requires uniform national labeling requirements consistent with ANSI.

Subtitle B.—Federal Energy Management

Federal Energy Management Amendments.—Requires Federal agencies to install energy efficiency improvements with pay-back periods of 10 years or less and establishes a Federal Energy Efficiency Project Fund for DOE to encourage agencies to undertake energy efficiency improvements in Federal facilities. Directs agencies to take advantage of utility energy efficiency incentive programs. Directs the General Services Administration (GSA) to identify the energy cost-effectiveness of items listed in the GSA product schedule, and directs the Administrator of the GSA to consider fuel efficiency when purchasing government vehicles. Finally, this section authorizes the Secretary to provide bonuses of up to $5,000 to Federal facility managers for success in saving energy.

Plan Regarding Demonstration of New Technology.—Requires the Secretary to submit a plan to Congress for the demonstration in Federal facilities, or by Federal agencies, of energy efficiency technologies that have received Federal assistance for research and development and which the Secretary has determined are ready for commercialization.

Study of Federal Purchasing Power.—Directs the Secretary to report on the potential of using Federal purchasing power to encourage the development and commercialization of new energy efficient products.

Subtitle C.—Utilities

State Consideration of New Ratemaking Standards.—Requires State commissions to consider decoupling regulation of utility profits from sales for purposes of removing disincentives for utilities to pursue demand side management and energy efficiency resources; requires State commissions to consider requiring utilities to engage in integrated resource planning (IRP).

Grant Program.—Establishes grant program for purposes of encouraging consideration by State commissions of demand side management and energy efficiency resources as means of meeting future electricity demand.

Integrated Resource Planning by the Southwestern Power Administration (SWPA) and the Southeastern Power Administration (SEPA).—Requires SWPA and SEPA to consider requiring nonregulated utility customers to implement IRP as a condition of future power contracts with each power marketing administration.

Integrated Resource Planning by the Tennessee Valley Authority (TVA).—Requires TVA to employ IRP in exercising its functions.

Subtitle D.—Used Oil Energy Production

Used Oil Energy Production.—Amends EPCA to promote the collection, refining, re-refining, and reprocessing of used lubricating oil into fuel for transportation and other petroleum products through market incentives and the removal of legal disincentives.

Subtitle E.—State, Local, Insular and Tribal Energy Assistance

Insular Areas Energy Assistance Program.—Provides direction to the Secretary, under existing authorization, for providing financial assistance to Insular area governments,

for the purposes of encouraging the adoption of energy efficiency and renewable energy measures.

State Building Energy Incentive Fund.—Authorizes the Secretary to provide up to $1 million to States to capitalize a State revolving fund to undertake energy efficiency projects in State and local government buildings in those States which have demonstrated a commitment to improve building energy codes.

Private Sector Investments in Low-Income Weatherization.—Authorizes supplemental grants to Weatherization Program grant recipients to cover the costs of arranging private sector contributions to the program, and the costs of training and education activities between program grant recipients.

Training of Building Designers and Contractors.—Authorizes existing State Energy Conservation Programs to use Federal funds to assist in training building designers and contractors in energy system, energy efficiency, and renewable energy technologies.

Energy Education and Teacher Training.—Authorizes supplemental funding under the existing State Energy Conservation Programs to increase public understanding of energy issues or to provide teacher training in energy education.

Tribal Government Assistance Program.—Sets forth guidelines for the Secretary to provide financial assistance to tribal governments to plan and implement energy efficiency and renewable energy projects.

State Energy Conservation Plan Requirement.—Requires State Energy Conservation Plans to provide for vehicles to turn left from a one-way street onto a one-way street at a red light as a condition for receipt of Federal SECP funding.

Subtitle F.—LIHEAP Options Pilot Program

LIHEAP Futures Pilot Program.—Directs the Secretary of HHS to report to Congress on the advantages and disadvantages of using futures and options contracts for fuel as a means of protecting LIHEAP funds from large price increases in fuels, and authorizes the Secretary of HHS, in consultation with the Secretary of Energy, to conduct a pilot program.

Mr. DODD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

REFUGEES IN ISRAEL

Mr. DODD. Mr. President, friends of Israel around the world have watched with a mixture of wonderment and sadness as refugees from Ethiopia and the Soviet Union have poured into that fragile state. I say wonderment, Mr. President, because, however stark the prevailing conditions, the Israeli capacity to welcome and care for these needy refugees has shown no limits. And I say sadness because, no matter how open their hearts, the Israelis know that they simply cannot provide for them all on their own.

Mr. President, I think all of the world watched with utter admiration only a few weeks ago when 15,000 Ethiopians were air lifted in the space of some 36 hours out of Ethiopia and harm's way to the safety and refuge of the state of Israel. It was a remarkable occurrence, almost unparalleled in modern times, to move that many people—families, children—from their native homeland to a place of safe harbor in such a brief period of time and without incident. I think at one point there were some 24 aircraft airborne at a single moment, ferrying people between those two countries. Today, I want to direct my remarks primarily to the tremendous influx of refugees that are pouring out of the Soviet Union and how Israel can handle that kind of an influx and what we might do to assist in this incredible human endeavor.

The numbers involved in this massive influx of refugees are simply staggering. Last year, almost 200,000 refugees streamed into the tiny nation of Israel. This year, about the same number is expected. By 1995, over 1 million Soviet Jews will have left for Israel—an immigration that is proportionally equivalent to the entire population of France moving to the United States.

Mr. President, the United States has always stood by the side of Israel, and those nations that have sought to relieve the economic and human conditions of those who are caught under terrible circumstances. In the case of Israel, we have been a strong supporter since the unstable days of its creation. And now we hear our neighbor and friend asking for our help. The Israeli Government will soon formally ask for $10 billion of loan guarantees authority, and I emphasize loan guarantees over the next 5 years to help carry out its mission of humanity.

Let me make perfectly clear what it is the Israelis are asking for. They are not asking the U.S. taxpayers to provide them with $10 billion. Rather, they are asking that the United States Government provide the backing—the insurance, if you will—for private and commercial loans to Israel. As long as those loans are repaid, the long-term cost to the U.S. Government will be virtually negligible in relation to the overall program.

Let there be no doubt: these loans will be repaid. The creditworthiness of the state of Israel has been proven time and time again. As the Israeli economy expands due to the arrival of new refugees, the ability of Israel to repay its debts is only likely to improve.

In fact, Mr. President, that trend has already begun. In 1990, Israel's foreign debt was 36 percent of its gross domestic product, down from nearly 80 percent in 1985. Meanwhile, foreign debt service as a percentage of exports has dropped from 21 percent in 1988 to 15 percent in 1990. These are two of the most important indicators of a country's ability to repay debts. Both figures place Israel well above average on the international scale.

Mr. President, the warm acceptance of these refugees that have been received in Israel is one of the remarkable stories of our time. Israel's willingness to take in over 1 million refugees, despite the economic difficulties now facing it, reflects a rugged detemination and a sincere commitment to principle that has been characteristic of that small nation from the very beginning.

The mission undertaken by Israel is truly one of humanity. But without immediate assistance, this precious mission may well collapse under its own weight. Many of the newly arrived immigrants from the Soviet Union are without suitable housing. They lack jobs, and job training. And there is not yet a suitable infrastructure to accommodate them—not enough roadways, utilities or public transportation are just two of the problems. It is not for lack of will that the refugees are living in these conditions. There is simply a lack of resources.

And that is where U.S. assistance can play a vital role. Much of the loan guarantee authority would enable the Iraelis to offer housing for newly arrived settlers. But the funds would not be limited to housing. The money could also be used for important programs like roadways, the boosting of industries and job training—exactly the sort of investment in the future that these newest residents will need.

This is preciously vital guarantee authority money, Mr. President—guarantee authority that should be provided without delay, and without preconditions. But apparently, some in the administration do not see it this way. Rather, some in the administration are talking about linking this aid—linking it to a halt in settlements in the occupied territories. Mr. President, I believe such a policy would be indefensible.

Let me tell you what this linkage would not do, Mr. President. This linkage would not prevent U.S.—backed funds from being spent in the occupied territories. That is already a clear tenet of U.S. policy. In fact, the administration tied up the $400 million housing guarantee that Congress approved last fall for over half a year, while it sought assurances that the money would not be used in the territories.

Mr. President, this linkage would not bring an end to the dispute over the occupied territories that has so divided the Arabs and the Israelis. The dispute over the territories dates back almost a quarter of a century—and the basic conflict between the Arabs and Israelis dates back centuries. The Arab nations fail to recognize the very existence of Israel in the region. They continue their relentless boycott of companies that do business there. It should certainly be clear by now that the settlements are only a small part of the story.

The settlement issue needs to be addressed, but it need not be addressed on the backs of a million refugees who are seeking safe harbor.

What this linkage would do, Mr. President, is place the fate of thou-

sands of refugees at the hands of a dispute they did not create, and certainly want no part of it. It says to the refugees: we may sympathize for you. We may be prepared to speak at great lengths about your suffering and your endurance. But when it comes to actually taking the steps necessary to help you, we would rather use you as a foreign policy leverage point or tool.

Should the President still be thinking about linking aid to settlements in the occupied territories, I would encourage him to visit the Middle East. I would encourage him to see the conditions that the Soviet refugees are living in. And I would ask him to explain to them why he insists on conditioning U.S. assistance.

Mr. President, it was half a century ago that the world stood by and watched as the Nazi regime murdered over 6 million European Jews and 5 million others in the European community. We could not help those Jews. But 50 years later, the emigration of Soviet Jews to Israel presents us, and the world, with the dramatic opportunity to make a difference in their lives.

We will never be able to make up for the families that were wiped out in the Holocaust. We will never be able to recapture those souls that were lost to the Nazi onslaught. But when the next generation takes stock of our contribution to humanity, at the very least they should be able to point to our efforts to help the refugees and say: That was a genuine act of compassion.

And so, Mr. President, as we watch this miraculous process unfold, we have before us a historic opportunity. With a reasonable and measured amount of assistance, we can play a fundamental role in one of the greatest stories of migration in our time. Or we can fold our arms, adopt a skeptical frown, and stand on the sidelines.

My hope, Mr. President, is that we choose the former. Our moral obligation is clear—to offer our assistance without preconditions, and without linkage. In the name of humanity, we can do no less.

Mr. President, I yield the floor.

Mr. DIXON. Mr. President, what is the order of business?

The ACTING PRESIDENT pro tempore. We are in morning business.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 1482 and S. 1483 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DIXON. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. DIXON. Mr. President, I ask unanimous consent that morning business be extended until 10:30 a.m. under the same conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be permitted to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The period for morning business is extended.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be able to proceed for 5 minutes under morning business.

The PRESIDING OFFICER. The Senator is recognized for up to 5 minutes.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1484 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. ADAMS. Mr. President, I ask unanimous consent that morning business be extended until the hour of 11:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGISTRATION OF MASS MAILINGS

The filing date for 1991 second quarter mass mailings is July 25, 1991. If your office did no mass mailings during this period, please submit a letter to that effect.

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224-0322.

GORBY AND THE G-7

Mr. DOLE. Mr. President, it becomes increasingly clear that the only free lunch that Soviet President Gorbachev will get at the G-7 summit is the one that President Bush will host for him tomorrow.

Beyond that, most of the summit leaders—particularly President Bush, and Prime Ministers Mulroney, Major, and Kaifu—intend to give Gorbachev a good hearing; insist on a real commitment to political and economic reform, and a realistic plan to implement that reform; offer only limited and focused forms of assistance—primarily in the form of expertise and technology; and urge the need to really open the Soviet Union to large scale foreign investment, as the only effective long-term engine for economic development.

It seems to me that is precisely the posture we ought to take. As Mulroney said, this is not the time to be writing blank checks. It is time—high time—for Gorbachev to get on with real reform.

It is also my hope and expectation that President Bush and the other summit leaders will press Gorbachev hard in three specific areas.

First, the need for the Soviets to dramatically reduce their own defense spending. If any country could benefit from a peace dividend, it is the Soviet Union. And, as an adjunct to that proposition, the Soviets ought also to close the withdrawal window for the likes of Fidel Castro.

Second, the urgency of terminating, once and for all, the use of force and intimidation against the Baltics, and against some of the Constituent Republics of the Soviet Union—especially Armenia, where there has recently been a new up-surge of Soviet attacks on Armenian villages in the border area with Azerbaijan.

Third, the desirability of expanding direct ties with the Republics—political ties, investment and trade ties, and aid ties. Gorbachev must be made to understand that the expansion of such ties is inevitable, sensible, and could be in his own long-term interest.

Mr. President, this summit can be an important step forward in G-7 relations with the Soviet Union. But only if all sides are realistic about what the Soviets really need, and what the allies can and should provide.

Most of the G-7 leaders appear to be approaching the Gorbachev meeting realistically. I hope that Gorbachev and his Soviet colleagues are, too.

SINO-AMERICAN RELATIONSHIP

Mr. LIEBERMAN. Mr. President, last week, I spoke on this floor regarding our political and foreign relations with China. Today I rise to discuss trade and economic issues that affect the Sino-American relationship. For most of us the fall of the Berlin Wall symbolized the end of communism. But the events that led to communism's endgame did not begin with glasnost and perestroika. That began in China in 1978 when the Government of the People's Republic declared that it would begin a massive economic restructuring program, a program that has unleashed a capitalist genie that transformed the Chinese economy.

The two goals of the economic restructuring program were to shift some decision making from the central government to local governments and enterprises and to dismantle agricultural communes, replacing them with family farms, giving peasants control over what they produce. These reforms were to usher in a more market oriented system in the People's Republic, as part of a recognition of the failures of the Great Leap Forward and the Cultural Revolution.

For a time, Chinese economic successes were lauded in the West, and China's leader, Deng Xiaoping, like Gorbachev, was named man of the year of Time magazine, a leader with whom we could do business. China was seen as the nation that would serve as the example of how communism could be dislodged from within.

The grand experiment did not work, at least not in the way that the West wanted it to. Communism was not overthrown. The septuagenarians then running the country are now octogenarians, and they are still running the country. The reforms of Deng and his followers did not go far enough. The pricing system has not been sufficiently transformed and ownership of heavy industry is still concentrated in the hands of the Government.

What has emerged in China is two economies at odds with each other, one state controlled and one market-controlled. In the late eighties inflation took off and the average Chinese family had to worry about paying for basic necessities. Officials in charge of some state run factories began selling raw materials alloted to them at inflated prices to companies run by the new private sector. These Communist profiteers became one of the objects of protest of the students and others in China wanting more political and economic freedom. All these factors produced a highly unstable situation which helped bring the forces of change to blows with the old regime. The result was Tiananmen Square.

But the game is not over in China. The entrepreneurs along China's southern coast and their supporters from Hong Kong to Taiwan to the United States have all worked to keep the market alive in the People's Republic. And with some success. China continues to trade with the West, so well that the United States is about to run its second biggest trade deficit, after Japan, with China. The People's Republic of China will be replacing their capitalist brothers the Republic of China. In 1990 the trade deficit with China was $11 billion. The deficit for this year is projected to be $15 billion, and the 1992 deficit is expected to increase even further.

This is new for the United States since our largest trading partners have traditionally been our military and political allies, and shared our economic and political systems. With China, we are trading with a nation which shares neither, complicating an already difficult relationship.

And this difficult relationship is made even more so by the fact that China has begun to behave like a mercantilist state. It has moved systematically to slash the percentage of its trade in low value textiles, as well as agricultural imports from the United States, and to move toward the export of high value goods.

Although China still has not officially decided which economic road to follow, the momentum on the ground certainly seems to be moving in favor of the private sector. At least 40 percent of the industrial output of China in 1988 came from the nonstate sector and that percentage continues to grow. The central government is becoming increasingly reliant on the hard currency it receives from the deficit with the United States and from foreign investment. While it is difficult to predict exactly what will happen in China over the next few years, it is safe to say that in the future China will have a mixed economy heavily reliant on the market. The economic success of Taiwan, Hong Kong and other dynamic Asian economies is bound to influence China's successor generations.

Nonetheless, China remains a poor country where the per capita income of $320 per annum is only slightly higher than India's. It is also a regionalized nation. In many ways it is several countries in one. Beijing represents the old centralized system, and the southern coast with its free market system represents the way of the future.

The question we must address now as we consider the question of our trade status with China is what does the United States have to gain from continuing our present relationship with China—other than an increase in our trade deficit? The myth of the China market, a market of importance because of the sheer size of China's population, has been an issue since John Hay was Secretary of State in the late 19th century. So far, that myth has never been realized. To make matters worse, the Chinese bureaucracy confounds and confuses Western investors and Chinese law encourages an ad hoc compliance with contracts. One might simply ask American business: Why not simply invest in Taiwan or Thailand?

The answer is because there are real opportunities for United States exporters and United States manufacturers in China. Our exports to China totaled approximately $4.8 billion in 1990. Our leading American export to China in 1990 was aircraft: the aerospace industry is counting on China as a multi-billion-dollar market. There is also a considerable amount of foreign investment in China by United States firms. American manufacturers of low-priced footwear and toys have taken advantage of low wages paid to Chinese workers. Wages in nations like Taiwan and Korea are considerably higher than China's.

China has opened itself up to Asia and the West, and much of Asia and the West, the United States included, has responded with investment and trade. But the United States seems to be the only nation that is running a large, and increasing trade deficit. Our European and Asian allies have not made themselves the buyers of last resort for Chinese products.

It is exasperating that we have not addressed our trade deficit with China head-on. We are willing to take the Chinese Government to task on important issues such as infringement of copyrights and intellectual property rights, but we do not sufficiently urge them to simply buy more American made products. In a command economy, even a mixed command economy like China, it is often necessary to put aside certain market principles and just deal directly with the central authorities who do the buying for the Government. We should tell the Chinese authorities that they must buy more United States products, and that the present deficit is unsustainable, and unacceptable to the United States.

China is often the end of the line in a manufacturing process that begins in factories in Hong Kong or Taiwan. Because of the low wage scale in China, the work done there is often only labor intensive assembly. The higher value work, the so-called capital intensive portion of the manufacturing process, is done elsewhere. But since China is the last country in the process to put a product together, when the product is exported the credit goes to China and not the other nations involved.

But even given this accounting issue, we are still experiencing a runaway trade deficit with China whose most tangible value to us may be that it gives us leverage over the Chinese on other matters. While we should not overestimate that leverage, neither should we ignore it or squander it. Our economic goals can be clear: we have to get our trade deficit with China in

balance, the Chinese Government must respect intellectual property rights and honor contracts, and the Chinese must continue the process of opening up their market to foreign goods and investment.

As the Chinese modernize their economy American companies ought to reap the benefit of that process. If they do not, their Asian and European competitors surely will. China could also serve as a base for United States economic interests in Asia, giving us a better foothold into East Asia which is dominated, economically, by Japan. We will need to be heavily involved in the Asian market in the next century if we are to compete globally against the Japanese and other growing Asian economic powerhouses.

In my previous statement, I discussed the political and security importance of China for the United States. China is a leading—perhaps the leading—power in the developing world. It is a member of the nuclear club and a major arms exporter. It is also a potential buffer against any future threat from the Soviets. China is a permanent member of the United Nations Security Council, and support from the so-called perm five proved very useful during the war with Saddam.

We should do all we can to bring China into the world economy, giving it more of a stake in global economic and political stability. The question is how to keep China moving away from past policies of economic isolation and political repression. The position of the present Chinese leadership on this issue was put quite succinctly by Chinese leader Li Peng when he said, "We want your technology, but we do not want your democracy." China's leaders need to understand that these are two sides of the same coin, that you ultimately cannot have one without the other.

How do we encourage continued economic reform in China, which, in turn, helps pave the way for political reform? Hong Kong's future is clearly a key. Hong Kong has supplied much of the capital and managerial base for the private side of China's dual economy. Some 70 percent of China's goods move through Hong Kong. It is Hong Kong's move back into China and its role as a medium through which the rest of the world can invest and trade with China that has led to much of China's economic advance. Hong Kong, for example, is very important to the United States presence in China and Asia; United States firms have invested $7 to $10 billion there since 1985. It is an economic base for the United States. Hong Kong's relative independence under Britain will end in 1997 when it is scheduled to return to China's control.

What can Hong Kong do for China over the next 15 years? It can continue to expand the market-based portion of China's economy. It can provide market-based financial institutions: banks, stock exchanges, and insurance systems. It can provide links to Western and Asian capital and firms which can form the basis for China's emergence from Third World status. It also can contribute its history of governance by law, and of free speech and press.

China's leaders acknowledge Hong Kong's economic value. But there is as yet no assurance that China will respect Hong Kong's independent role following 1997. Our trade with China gives us leverage to try to assure that Hong Kong remains free and strong. Hong Kong has been transforming China's economy. If it continues to play this role for another decade, further change is inevitable for China. Preservation of Hong Kong's character should be at the center of United States policy toward China.

Whatever we do, China cannot be ignored. It is an important part of the global economy and community of nations. It must be engaged. This means that we must continue to encourage China to play a leadership role in Asian and global affairs. But it does not mean that we can ignore the guiding principles—including human rights—of our own foreign policy. We must work toward a relationship with China that reflects both our interests and our values.

LEO CHERNE: A MAN WHO WOULD RESCUE THE WORLD

Mr. KENNEDY. Mr. President, a towering figure in America's voluntary agencies, who has for over 40 years provided leadership in our Nation's proud record of assisting refugees, Mr. Leo Cherne, has recently announced his retirement as chairman of the International Rescue Committee. The loss of his daily service in behalf of the world's homeless will surely be felt by IRC, but perhaps more by those whom he served for so many years.

Leo Cherne joined ICR just after World War II, and became chairman of its board in 1951 and every year since. And in every refugee crisis in every part of the world, he has been in the forefront of humanitarian relief operations.

It has been my privilege to know Leo for many years and to have seen the fine work of IRC workers in the field—from Bangladesh to Indochina to Ethiopia. Under his leadership, IRC's operations have expanded worldwide and have become essential elements in a number of U.N. and U.S. relief and rehabilitation programs.

In paying tribute to the many years of service by Leo Cherne and wishing him well in what we all know will be a very active retirement, I would like to share with my colleagues an article this week that describes the many facets of Leo Cherne's career and his extraordinary accomplishments. I ask unanimous consent that an article from the Washington Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 15, 1991]

A MAN WHO WOULD RESCUE THE WORLD

(By Helle Bering-Jensen)

Inside a small yellowing envelope with Vietnamese characters scribbled on its front is a tiny piece of shrapnel, about the size of a quarter. Leo Cherne keeps it in his desk, no matter where he might be.

"They removed this from the stomach of a 12-year-old South Vietnamese boy," says Mr. Cherne, who at 79 is one of the world's great humanitarians. "I had him brought to the hospital, and I thought he would bleed to death."

After American doctors told him the boy would live, Mr. Cherne headed out to the markets of Saigon to look for supplies for the boy's remote village. It had been cut off by the Viet Cong, which also had grabbed every scrap of food.

"I found a small shop where I purchased 5,000 pounds of these slimy little fish, drove them to the airport and piled them by hand into a helicopter," he says. Mr. Cherne also provided a supply of noucmam sauce, an absolute must for a Vietnamese fish dinner.

Then, having brought the supplies to the village, he almost got blown to bits by a land mine. All in a day's work.

This grim memento from 1966 is just one of the many that surround Mr. Cherne in his office on New York's Park Avenue—reminders of a life in refugee work going back more than a half-century. On Sept. 1, Mr. Cherne will step down from the chairmanship of the International Rescue Committee, a post he has held for nearly four decades.

Under his direction, it has grown into the largest non-religious relief organization in the United States, one with some 3,000 employees around the world and a budget of more than $40 million.

In the famine-stricken Horn of Africa, among the millions of Afghans in camps in Pakistan, among the hundreds of thousands mired in the camps of Indochina, the International Rescue Committee works to provide relief and, for some 10,000 people a year, passage and visas to the United States. Most recently, the IRC was one of the first relief agencies to send teams of nurses and doctors to help the Kurds on the Iraqi-Turkish border.

Since Mr. Cherne joined the organization in 1946 and became chairman of its board in 1951, he has achieved legendary status in the world of international relief work. Match the humanitarian passion of an Albert Schweitzer with the swashbuckling resourcefulness of an Indiana Jones, and you get someone not unlike Mr. Cherne, a man equally capable of addressing a Senate hearing, racing refugees across borders hidden in the trunk of his car or bargaining over life and death with guerrilla leaders.

"Although he has never held elected office, Mr. Cherne has had more influence on governmental policy than many members of Congress," noted Ronald Reagan when he awarded Mr. Cherne the Presidential Medal of Freedom, the country's highest civilian award, in 1984. Sen. Daniel Patrick Moynihan has called him "for 40 years one of the best-kept secrets of American foreign policy."

An adviser to presidents from Franklin Roosevelt to Reagan, honorary chairman of

Freedom House (the New York-based human rights group), chairman of the Foreign Intelligence Advisory Board under Gerald Ford and vice chairman under Mr. Reagan, a noted economist and forecaster of business trends for 50 years, Mr. Cherne is a multimillionaire and a true Renaissance man. He has composed more than 100 songs, including the hit "I'll Never Forget," which debuted on Dec. 7, 1941. He is also a sculptor whose works line the walls in his office.

"I think the secret is always to do what you really want," Mr. Cherne says, and for him the International Rescue Commission comes first. "It is the most rewarding kind of work you can think of because you get to see the results."

One of Mr. Cherne's most remarkable talents, says IRC Executive Director Robert De Vecchi, is his abilty to connect with a wide range of people. "Over the years, Leo has been the glue that holds all this together," he says. "Almost everybody on the board has a personal relationship with Leo that they consider very important if not downright sacred."

A quick scan of the IRC board reveals, among others, Sens. Mark Hatifield and Claiborne Pell, Rabbi Marc Tanenbaum, Henry Kissinger, Cambodian refugee Dith Pran and president of the American Federation of Teachers Albert Shanker. Nobel laureate Elie Wiesel and actress Liv Ullmann serve as the organization's international vice presidents.

NEW YORK TO TOKYO

Born in the Bronx in 1912, the son of Russian-Jewish immigrants, Mr. Cherne found his first job in show business as a member of the Metropolitan Opera's children's choir. "It was 50 cents a rehearsal, a dollar a dress rehearsal and $2.50 a performance," he recalls.

Other of his youthful pursuits included seamanship with the New York and Cuba Mail and Steamship Co. and journalism for the Daily Mail and the Bronx Home News, investigating the lethal substances being served in the Prohibition-era speakeasies. In 1935 he settled on a more permanent career path with his graduation from New York Law School, an offshoot of the Columbia University Law School.

Soon afterward he answered an advertisement for a new tax research enterprise grandly named the Research Institute of America by founder Carl Hovgard, who had just spend his life savings, all of $750, to get it started. Under the directorship of this duo—"the Kansas farm boy and the dead-end kid" as one news report called them—the business grew rapidly, developing a reputation for accurate economic analysis and predictions.

In 1938 Franklin Roosevelt asked the whiz kid outfit to help draft a plan for the country's industrial mobilization in the event of war, and after World War II, President Harry S. Truman drew on Mr. Cherne for aid in assessing the needs of postwar Germany. In the Pacific, Gen. Douglas MacArthur asked Mr. Cherne to develop a tax plan for the redistribution of wealth in Japan to create a large and stable middle class to be the foundation of Japan's fledgling democratic structure.

When, in 1954, he was hit with a case of acute fatigue and admonished by his doctors to relax, he took to sculpture instead. A bust of Albert Schweitzer was his first work, now in the collection of the Smithsonian Institution. Untrained, Mr. Cherne was not hampered by conventional methods. One artist complimented him on the figure's hair, remarking that he had achieved a realistic combed look. "But that is just what I used," exclaimed Mr. Cherne, "a comb!"

The busts that today line the walls of his New York office include Eleanor Roosevelt, John F. Kennedy, Lyndon Johnson and Abraham Lincoln. He is quite proud of a small porcelain replica of his Lincoln bust that sits on the coffee table. "It's a forgery," he says. "I love it, made in Japan."

Eventually, however, time pressures forced him to give up sculpting in the late 1970s. Music fell by the wayside too, but for a different reason. "It dawned on me that writing love songs is not a very reputable activity for someone who advises presidents," he says.

Nor, perhaps, for someone who spends his life saving the lives of others. The IRC has, as he himself puts it, Mr. Cherne's fingerprints all over it. "Enthusiasm is really the word that describes the spirit that Mr. Cherne brings to the organization," says executive director Robert DeVecchi, "enthusiasm that defies any sort of bureaucratic attitude."

THE WINDS OF WAR

The organization itself dates back to 1933, when physicist Albert Einstein, theologian Reinhold Niebuhr and philosopher John Dewey got together to form a committee to help those fleeing Germany after Hitler's power grab. At first, refugees were a trickle. Soon they became a torrent. With the Hitler-Stalin Nonaggression Pact of 1939, it was evident that the immediate threat to human life came from the communists as well as the fascists.

As Hitler devoured Europe "course by course," as Winston Churchill put it, masses of refugees were sent across Europe, mostly ending up in France, which became a giant man-trap when the Germans invaded it in 1940.

The IRC's agent in Marseilles, France, at the time was Varian Fry, a young literary editor from New York who managed to spirit out some 2,000 European artists and intellectuals, marching them across the Pyrenees into Spain.

Since World War II the organization has been dedicated, as Mr. Cherne puts it, to helping those who flee "dictatorships on the rights, dictatorships on the left, and dictatorship of the nuts"—Uganda's Idi Amin is an example of the last.

Communist dictatorships have produced by far the lion's share. "The refugee rate is communism's fever chart," wrote Aaron Levenstein in 1983 in "Escape to Freedom," his history of the organization. Of the some 14 million refugees in the world today, communist regimes have sent the most on the run, from Afghanistan, Ethiopia, Mozambique, Angola, Laos, Cambodia and Vietnam.

When the Soviets invaded Hungary in 1956, Mr. Cherne flew to Vienna, Austria, with $200,000 worth of donated medical supplies, which he drove across the border to Hungarian resistance forces. The IRC raised nearly $2.5 million to help the thousands of Hungarians who had fled their homeland.

That trip provided one of Mr. Cherne's most vivid memories—carrying 25 loaves of bread to the headquarters of the long-suppressed trade union movement. "A delegation of members came down the stairs in single file, and they each took a loaf of bread and carried it upstairs in single file," he recalls. "It simply was unbelievably moving."

In 1968, Mr. Cherne and then IRC President William Casey traveled to Czechoslovakia to assess the situation as Warsaw Pact tanks rolled into the country. They were finally stopped outside Bratislava. While Mr. Cherne tried to communicate with the Soviet soldiers, none of whom spoke any English, the future director of the CIA remained seated in the back of the car and read a novel.

"How can you just sit there reading?" Mr. Cherne asked. "Can you think of anything more useful I can do?" Mr. Casey replied. Finally the two were permitted to drive back to Vienna.

SAVING THE MIGRANTS

In recent years the mission of the IRC has changed from being a mainly European resettlement agency to being a worldwide relief organization geared toward the mass migration of refugees.

In the wake of the Vietnam War, the International Rescue Committee was largely responsible for calling attention to the mounting refugee problems in the Far East—the hundreds of thousands of fleeing Cambodians who were crowding into Thailand and the million-plus Vietnamese boat people, whom Western countries and agencies have tended to treat as "economic migrants" and therefore ineligible for asylum. Ominously, Hitler used the same term to brand Jews fleeing the Nazi regime.

The IRC today operates the Joint Voluntary Agency in coordination with the U.S. Embassy in Thailand, processing refugees from Vietnam, Cambodia and Laos who pass through on their way to the United States. Had it not been for the public pleadings of Mr. Cherne and civil rights leader Bayard Rustin, through their Citizens Commission on Indochinese Refugees, the already belated American response to the crisis in 1980 might have been delayed even longer.

In the late 1970s the IRC was one of the few groups to challenge the apologists for the new regimes in Indochina. In articles in the now-defunct Washington Star, Mr. Cherne wrote about the horrors and starvation created first by the Khmer Rouge and then by the invading Vietnamese armies. Leftists, Noam Chomsky among them, accused Mr. Cherne of slandering a progressive revolution. Far from being in the millions, deaths were at most in the thousands, Mr. Chomsky asserted, and he questioned the ideology of those who thought otherwise.

GLITTERATI TO THE RESCUE

One of Mr. Cherne's most effective stratagems for attracting world attention to the tragedy on the Thai-Cambodian border, where thousands of starving Cambodians and Laotians were trapped, was the March for Survival.

The marchers confronted the Vietnamese occupation forces. "We had 30 trucks filled with food and doctors and nurses," Mr. Cherne says. "But the Vietnamese prevented us from getting through, and so I organized a march with writers, political people, the widest spread of intellectuals, to go to the Cambodian border of Thailand with trucks and bullhorns."

Joan Baez was there, as was Elie Wiesel, and Soviet dissident Alexander Ginzburg, who had just come off the plane from the Soviet Union and had not even had a chance to change his clothes. Even though the marchers never did persuade the Vietnamese border guards to let them through, they did manage to attract the attention of the world news media.

Among the participants was Liv Ullmann, doyenne of the Swedish cinema, who has been an important part of the IRC ever since. Only weeks before, she had handed Mr. Cherne a $200,000 check from artists involved in Broadway theater. She had politely told

him that if there was ever anything else she could do to please let her know, "not expecting," says Mr. Cherne gleefully, "that I would call two weeks later and say 'Are you ready to go to Cambodia?'"

As John Whitehead, who will assume the chairmanship of the IRC when Mr. Cherne steps down, says, "He has a real passion for the cause of human freedom." And he has never taken no for an answer.

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHELBY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TITLE X PREGNANCY COUNSELING ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 323 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 323) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Chafee amendment No. 753, in the nature of a substitute.

AMENDMENT NO. 763

Mr. PACKWOOD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD] proposes an amendment numbered 763:

At the end of the Chafee amendment No. 753 insert the following:

SEC. . Notwithstanding any other provision in this bill, a requirement of parental notice or consent shall not be applicable in any State which has held a referendum or initiative before December 1990 concerning the conditions or circumstances under which abortions may be provided to unemancipated minors and such referendum or initiative has been subjected to a popular vote.

Mr. PACKWOOD. Mr. President, I wanted the amendment read in full so it was clear to everyone what it is. Oregon, last year in November, had on the ballot a measure requiring parental notification. The voters defeated it.

And in the amendment proposed by Senator COATS last night he had a grandfather clause in it, in the last section, but the grandfather clause said to react only in the positive. If the State had enacted or had on the books a parental notification law, then the Coats amendment did not apply to those States. I called to his attention the fact that a car only goes forward. Oregon has acted under the ultimate practice of democracy in popular referendum and said we do not want it.

I offer this amendment, and I think it is acceptable to the Senator from Indiana and has been cleared, I believe, on both sides.

Mr. ADAMS. It has.

Mr. COATS. Mr. President, the Senator from Oregon and I have held discussions on this matter, and he did raise it to my attention last night. We recognize the unique situation which exists in Oregon, which has already held a referendum on the whole question of parental notification and consent. The Senator from Oregon has drafted this amendment such that it would exclude Oregon from the requirements of the language that we passed in the Coats amendment last evening. We cleared it with all interested parties on both sides of the aisle and have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so——

Mr. ADAMS. Reserving the right to object, and I shall not object, I did not hear the Senator's full request.

Mr. HELMS. I was just calling off the quorum.

Mr. ADAMS. May I inquire of the Senator——

Mr. HELMS. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. ADAMS. I reserve the right to object to that——

The PRESIDING OFFICER. The Senator cannot reserve the right to object.

Mr. ADAMS. In order to inquire of the Senator if the Senator wishes to proceed as in morning business or if the Senator wishes to proceed in some other fashion.

Mr. HELMS. I think that is a rather—excuse me, I say this with utter friendship to my friend—it is a little presumptuous a question. The Senator could either forbid me from calling off the quorum call or not. But if the Senator starts that game, it is going to last all afternoon long.

Mr. ADAMS. I might state to the Senator I do not want to start any games.

Mr. HELMS. OK.

Mr. ADAMS. The Senator has been on this for a long time and it is very delicate.

Mr. HELMS. The Senator cannot control what I am doing, except to object.

Mr. ADAMS. Except to maintain the status quo.

The PRESIDING OFFICER. The Chair will announce that the Senator from North Carolina has asked further proceedings under the quorum call be dispensed with. It is not a debatable issue. Is there objection? Hearing none——

Mr. ADAMS. Objection.

Mr. HELMS. All right. I do not get the quorum call called off. I warned my colleague.

Mr. CHAFEE. Now, wait a minute——

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I am doing this pursuant to just one thought I have in mind before we finally enter into a unanimous-consent request to resolve the remaining problems on this bill. The majority leader has been carefully and actively working on that, along with the minority leader. But I would like to ask a question of the distinguished Senator from North Carolina just for the record.

If I may, I would like to ask the distinguished Senator from North Carolina, because part of this ability to put together a final resolution on this bill is to clarify that the Senator chatted with people in London this morning. Is that true, that the Senator did?

Mr. HELMS. I will say to the Senator I did have a chat with people in London this morning.

Mr. HATCH. Does the Senator from North Carolina care to comment any further on that conversation?

Mr. HELMS. No, I do not believe I want to characterize the conversion except that it was satisfactory to me.

Mr. HATCH. Satisfactory to the Senator.

Mr. HELMS. I thank the Senator.

Mr. HATCH. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, we have had a series of discussions regarding the best manner in which we can proceed to dispose of this legislation. During those discussions, I and other Senators engaged in conversations with the distinguished Senator from

Indiana regarding his amendment adopted last evening by the Senate.

In connection with that amendment, with the Senator's agreement, I would pose through the Chair a question to the Senator from Indiana. And the question is: Am I correct in my understanding that the Coats amendment does not supersede any State law previously enacted and in effect relating to parental consent or notification for abortion without regard to whether such law is more or less restrictive than this Federal legislation?

Mr. COATS. That is correct.

Mr. MITCHELL. So my understanding is correct in that?

Mr. COATS. The Senator's understanding is correct.

Mr. CRANSTON. It is my understanding as well that the Coats amendment adopted last night would likewise not affect California since the California constitution—the supreme law in our State—prohibits parental notification or consent requirements. Last night, I discussed the California decision relating to this issue. Since the sponsor of the amendment has indicated it does not supersede any State law relating to parental consent or notification, whether more or less restrictive, including those States that prohibit such consent or notification, such an interpretation would cover all forms of State law, constitutional as well as statutory.

Mr. MITCHELL. Mr. President, I thank my colleagues. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 763

Mr. MITCHELL. Mr. President, I understand that there is an amendment by the Senator from Oregon [Mr. PACKWOOD] at the desk.

The PRESIDING OFFICER. The amendment is pending at this time.

Mr. MITCHELL. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 763) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 767

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of Senator HATCH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. HATCH, proposes an amendment numbered 767.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment follows:

At the end thereof, add the following:

"Title X of the Public Health Services Act is amended by adding a the end the following new section.

"SEC. . Notwithstanding any other provision of law, no State may be denied funds under this Act because it requires health care providers to obtain the consent or notification of the parent of a minor before providing any health care service to such minor.

"Such law must be enacted prior to April 1, 1981."

Mr. HATCH. Mr. President, many of the Members are aware of the unique situation in Utah. In 1981, the State legislature enacted a law requiring parental consent if a teen was prescribed prescription drugs or devices paid for with Federal funds. Subsequently, the Tenth Circuit Court of Appeals invalidated this State statute, arguing that it was not the intent of Congress to require consent when providing prescription contraceptives to minors.

The appellate court's decision was costly for Utah. State family planning services sponsored through the Utah Department of Health were required to forfeit all Federal funding, and nongovernmental clinics became the only legitimate grantee under the Title X Program.

The Utah State Legislature debated on two separate occasions whether to overturn this law and declined to do so. As policymakers in the State, they believe family planning programs that give prescription contraceptives to teenagers must involve parents. They feel parent involvement is an excellent way to reduce teenage pregnancy, a sentiment which I might note is shared by Eunice Kennedy Shriver, executive vice president of the Joseph P. Kennedy Foundation. Many Utah legislators point to the fact that teenage pregnancy rates in Utah have declined during the period in which this State law was in effect.

Since 1984, I have been informed by the Utah State Department of Health that some women in Utah are not able to receive necessary family planning services given the existing funding limitations. The women are predominately located in rural areas. The health department has asked me to do all I can to help the State once again receive title X family planning funds.

Last year when we addressed the issue, the committee voted unanimously to include a demonstration authority to test the effectiveness of the Utah law. Although the bill was not considered by the full Senate before adjournment, it represented an equitable compromise to the dilemma facing Utah.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 767) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I believe we are ready for final passage of the legislation.

Mr. ROCKEFELLER. Mr. President, I join many of my colleagues in support of the legislation before us, S. 323, the title X Pregnancy Counseling Act. I commend Senator CHAFEE for his leadership in ensuring that a vital program continues to meet the needs of women throughout our Nation.

This legislation is important because it seeks to ensure that all women—rich or poor—will have equal access to the full range of medical advice and counseling at family planning clinics supported by the title X program.

I was disappointed with the May 23 Supreme Court's Sullivan versus Rust decision that upheld the administration's regulations commonly known as the gag rule. These regulations, proposed by the Reagan administration in 1988, try to specifically prohibit physicians and other health care professionals in title X clinics from answering direct questions from their patients about the full range of legal, medical options regarding unintended pregnancies.

These regulations, if allowed to go into effect, would create a double standard for women. Poor women who need to rely on public clinics would be denied information that would still be readily available to women who can afford to pay for advice or assistance from a private physician.

Title X funds support family planning services and counseling regarding all legal, medical options available to women including prenatal care, adoption, and foster care services, and pregnancy termination. Title X money cannot be used to pay for abortions. Title X only offers women medical information regarding their pregnancy.

Limiting what advice and medical information that doctors and health care professionals can provide to patients is simply wrong. The ruling should be reversed and the Chafee bill will do just that. Under the legislation pending before the Senate, women who rely on public clinics would be guaranteed to receive information on all medical options so that each woman will be able to make her own decision on this personal and private matter.

In West Virginia, there are over 71 clinics that depend on title X funding to provide family planning services to over 121,000 women. These women deserve to know that when they go to a title X clinic and ask questions that they will receive full information.

Passage of the Chafee legislation will restore confidence for women. It ensures that every patient at a federally supported clinic will receive full information and answers to questions. I support this legislation and urge President Bush to help enact this reasonable, constructive bill into law as quickly as possible.

AMENDMENT NO. 758

Mr. KOHL. Mr. President, I want to join those who support parental involvement in the abortion decisions of minors.

As a person who believes in a woman's right to choose, I have struggled with the question of whether or not—on balance—it is best to encourage parental involvement. I have listened carefully to both sides and I share concerns for those young women who are in abusive situations in which they tragically cannot talk to a parent. The concerns are real and must be addressed in whatever we do. In considering the court history, it seems clear that the court has consistently upheld a bypass to notification/consent laws for mature minors. The amendment before us is consistent with that.

Then there is the question of whether or not it is in the interest of the majority of these young women to require parental involvement through notification or consent. There are anecdotal tragedies that argue both positions. Some say that there isn't a law that we can pass that will force young women to communicate with their parents, to create trust where trust does not exist. I understand that. At the same time, I believe there is a value to parental involvement that can and does serve the interest of the majority of minor women in these circumstances. There is something to be said for the family, Mr. President. There is something to be said for talking this important decision through with someone who knows you, who loves you, and who wants to help.

Twice since coming to the Senate, I have had to vote on parental notification amendments that were too restrictive—amendments that would not have provided adequate bypasses for young women in abusive home environments. During the consideration of the most recent amendment, I stated my support for parental notification and my hope that we could move affirmatively on this in a balanced way. This is not simply an abortion issue. This is a family issue and I believe that is how the American people view it.

I am pleased with the efforts that have brought us here today. This is a very good and important amendment. I urge its adoption.

Mr. PELL. Mr. President, I am a supporter and an original cosponsor of S. 323, the Title X Pregnancy Counseling Act of 1991. This bill was introduced by my colleague from Rhode Island, Senator CHAFEE, and addresses the deep concern of many Rhode Islanders about both the family planning policies of the Reagan and Bush administrations, and a recent disturbing decision by the U.S. Supreme Court.

The Chafee bill is necessary because it would overturn regulations promulgated by the Department of Health and Human Services in 1988 that bar federally funded family planning clinics from providing any information about abortion, or from providing referrals for abortion information or services. These regulations prohibit title X providers not only from telling a pregnant woman that abortion is legal, but also from answering the woman even if she asks specifically about abortion. In fact, these regulations prevent doctors practicing in federally funded family planning clinics from providing any information at all about abortion, even if a woman has a medical condition or illness that would make pregnancy dangerous to her health.

As you know, Mr. President, title X clinics have provided family planning information and services since 1968. Since 1973, when Roe versus Wade recognized a woman's legal right to abortion, until now, title X clinics have also been free to provide information about all legal options regarding unwanted pregnancy. Title X funds have never been, and cannot, be used for abortion services.

Despite this clear history, the Reagan and Bush administrations promulgated these regulations, which seek to impose new restrictions on the delivery of—not services—but information. And they have been successful, to date, in large part because of the Supreme Court's recent decision in Rust versus Sullivan, which essentially affirmed the regulations.

I am deeply disappointed with the Court's decision in several ways. First, the Court failed to recognize the terrible effect of these regulations on the many low-income women who depend on federally funded title X clinics. What the Court has basically said is that low-income women do not have the same rights as other women to know all of their legal, medical options. This is wholly unacceptable and must be remedied.

Second, I am distressed, as I know many of my colleagues are, that the Court has failed to recognize the important free speech implications of its decision. The Court seemingly finds that the mere receipt of Federal funds may restrict speech. As a result, the Government will be able to control what doctors and counselors who serve low-income women in federally funded health clinics can say to their patients. In my view, this is a clear violation of the first amendment and must be corrected.

Third, I am distressed that the Court disregards the professional and ethical obligations of doctors to provide full information to their patients. The law, as it now stands, would essentially require a physician to violate his or her professional ethical obligations. This is untenable and senseless.

In my view, Mr. President, the Court's decision sets an alarming precedent and must not stand.

Mr. President, during a hearing held by the Senate Labor and Human Resources Committee, two Rhode Islanders testified about the potentially devastating effects of the regulations we seek to overturn today. Rhode Island State Senator Rhoda Perry, who is also the executive director of the Thundermist Health Center in Woonsocket, RI, spoke on behalf of the people of her economically depressed community. These Rhode Islanders increasingly seek health care from community health centers like Thundermist, which badly needs the limited title X funding it receives.

Our committee also heard the testimony of Ms. Beth Quill, head of the family planning program at Providence's Women and Infants Hospital. Ms. Quill spoke of the impact of the gag rule on hospitals. Both of these Rhode Islanders came to Washington to tell the Senate that the administration's gag rule will have a devastating impact on the lives of the women they serve and on the institutions that provide these needed health care services.

Mr. President, the women of Rhode Island and of this Nation need this legislation. They need to know that the Government will not interfere with the right of all patients to know all of the legal medical options available to them. And the doctors of Rhode Island and of this Nation need to know that the Government will not prevent them from complying with their professional and ethical obligations to provide full information to all patients.

I urge my Senate colleagues to vote for S. 323 and join both the House of Representatives, which overturned the gag rule several weeks ago in its Labor/HHS appropriations package by an overwhelming vote of 353 to 74, and the Senate Appropriations Committee, which approved overturning the gag rule by a vote of 29 to 0. I hope we can pass this bill by as decisive a vote.

Mr. DANFORTH. Mr. President, during the deliberations on this legislation we have had to confront two major issues: Abortion and free speech. These two issues represent two of my most deeply held principles: The sanctity of life and the right to free expression. Since the Rust versus Sullivan ruling I have struggled with the two principles

that seem so at odds in the reasoning of Chief Justice Reinquist in the majority's decision in that case. I firmly believe that the Government violates the will of the people by using Federal funds to promote abortion. I also firmly believe that the Government abuses its power of the purse when it tells people to shut up about a particular subject when they are using Federal funds.

As William Allen White wrote in the Emporia Gazette—of which he was the editor for many years:

> You can have no wise laws nor free enforcement of wise laws unless there is free expression of the wisdom of the people—and alas, their folly with it.

There have been three major votes in the course of this debate that have forced the Senate to confront both the abortion question and the right to free speech. They have not been easy votes. The first vote was on an amendment introduced by my distinguished colleague from Minnesota, Senator DURENBERGER. I voted in favor of this amendment.

Senator DURENBERGER's amendment was a reasonable alternative to Senator CHAFEE's bill that should have passed. His amendment would not have restricted the discussion of abortion based on its content, but rather would have required that all pregnancy counseling occur outside the title X project. Under this amendment, title X projects would not counsel a woman dealing with an unwanted pregnancy, but rather they would refer her to another provider who could go through all the options available to her. The amendment did not ban any discussion of abortion, but would have required that counseling on any option, whether it be adoption and foster care, prenatal care services, or abortion, occur through a different program. Counseling is a social service that the Federal Government may decide to fund or not to fund; speech is a constitutional right that the Federal Government must not lightly restrict.

Upon disposition of Senator DURENBERGER's amendment, we reached a second amendment which was offered by Senator COCHRAN. Senator COCHRAN's amendment should have carried the day. His amendment attempted to pull in the reins on the Supreme Court's decision in Rust versus Sullivan. He attempted to make clear that even if we decide not to fund a social service, such as pregnancy counseling, we must not restrict the information that a pregnant woman is given. Senator COCHRAN's amendment said that the Secretary of HHS must not prohibit health professionals from providing, upon request, information concerning any legal option regarding pregnancy. I voted in favor of this amendment.

According to the Rust versus Sullivan decision, the Federal Government should be able not only to decline to fund certain services, such as counseling, that are outside the scope of the program, but the Federal Government is able to restrict speech that is outside the scope of the Federal program. That is a dangerously broad standard that the Cochran amendment rightfully avoids.

The Supreme Court's broad standard is that any speech outside the scope of the Federal program, can be restricted.

Does that mean the Department of HHS could write regulations that would prohibit a community health center worker from telling a client where she can go to register to vote? I believe the Supreme Court's standard would allow such a restriction.

Under the Supreme Court's standard, it is not inconceivable that Congress could pass a statute that prohibits drug prevention, education, and treatment projects for women from talking about safe sex, simply because it is outside the specific scope of the program.

What if the Office of Management and Budget, looking for a way to reduce Federal spending, convinced the Department of Education to write regulations prohibiting public school employees paid through chapter 1 funds from telling parents of disadvantaged students about other Federal programs from which they could benefit, such as WIC or AFDC or Medicaid? Such a restriction of speech would be allowed under the Supreme Court's standard.

I believe that Supreme Court standard to be dangerous.

There are situations when it is legitimate for the Federal Government to restrict speech within Federal programs. The standard for such restrictions of speech, however, should not be that which has been articulated by the Supreme Court.

Here's a situation where I think it is legitimate to restrict speech: A military recruiter sits in an office all day and tells potential military volunteers how terrible the military establishment is and what a bad idea it would be to sign up and become one of their professional killers. Telling a potential recruit not to join the military would defeat the purpose for which the recruiter is being paid; it would be inconsistent with the faithful and effective performance of the task for which the recruiter is being paid.

Similarly, the Hatch Act prohibits Federal employees from making partisan political speeches because it would undermine the public's confidence in public employees' ability to serve the whole public. Such speech can be restricted not because it is outside the scope of what the employee is being paid for, but because it is inconsistent with the faithful and effective performance of the tasks for which the Federal employee is being paid.

Voluntarily providing information to pregnant patients upon request is not inconsistent with the faithful and effective performance of family planning services, even though it is outside the scope of the program being funded.

Senator CHAFEE's bill is the underlying legislation that the Senate has been considering during this debate. I have concerns about Senator CHAFEE's legislation and about his substitute amendment. In my view, Senator CHAFEE's amendment does not address the need for a delicate balance between the right of free speech and the widely held belief that the Federal Government should not use its funds to promote or encourage abortion.

I believe Senator CHAFEE's amendment maintains a strong presumption in favor of counseling women about abortion. If his amendment were to become law, it would be a statement that the Federal Government seeks not simply to allow the discussion of abortion, but to promote it. CHAFEE's amendment effectively requires title X projects to counsel women about abortion unless such counseling would be contrary to religious beliefs or moral convictions of the project or individual.

Permitting the provision of information in response to a question is far different from requiring providers to counsel women who are in the process of making a decision about whether to have an abortion, as Senator CHAFEE's amendment would do. Permitting the provision of information in response to a question is also far different from banning any discussion of abortion in a title X project.

While I am opposed to abortion, I believe that to ban the discussion of abortion, or any other subject, outright would limit speech in a way that I believe is beyond the legitimate reach of the Federal Government. To require counseling about abortion would be bad policy that I believe Congress should not enact. But to permit speech is to remain true to one of the most central principles of a democracy: the right to free expression. It is a principle that distinguishes a democratic country from a totalitarian one. It is a principle in favor of which, consistent with my opposition to abortion, I have cast my votes during this debate.

Mr. HOLLINGS. Mr. President, the writings of the Supreme Court majority in the recent Rust versus Sullivan case leave me incredulous. I think the Court was clearly wrong on statutory and constitutional grounds, but simple common sense was also violated: A slender majority of the Court upheld regulations barring abortion counseling by medical professionals in federally funded family planning clinics. In doing so, the majority lightly dismissed the strong first amendment interests involved between patients and doctors by noting that the regulations "do not significantly impinge" upon the doctor-patient relationship.

Mr. President, it is common sense that they do more than impinge—they dictate. If tax accountants were barred from mentioning writeoffs to wealthy clients, I dare say this Court and this administration would be up in arms. But, now in the United States when an individual woman goes to particular doctors, the Federal Government has handed the doctor a well-edited script. Her tax dollars have bought a muzzle for her medical adviser. Oh, she is free to choose an abortion later on in her pregnancy after she leaves the clinic, we are assured by the Court—as long as it is done with inadequate medical information, without consultation with her doctor.

At this point, the Court's endorsement of unwarranted first amendment restrictions reveals itself as unwise medical policy as well. Mr. President, when I have voted to pass a law creating a health promotion program and when I have allocated scarce Federal resources for that program, I have not intended to provide second-class services. As access to health insurance has shrunk across this country and single-parent families have proliferated, I have not intended to exacerbate the balkanization of our health care system. Yet those are the ends to which the current Court has bent my votes.

With this vote, let us set the record straight. Let us join with the American Public Health Association and the American College of Physicians and promote sound public health. Let us join with the U.S. Conference of Mayors who see the need for comprehensive family planning and medical services on the streets of their cities. Let us remind the High Court and the administration that the women of this Nation deserve more than a clever legal back-of-the-hand by providing them the basic dignity of uncensored medical advice.

Mr. BRADLEY. Mr. President, I rise in support of this legislation, S. 323, to state clearly that women who are seeking medical advice are entitled to the best help that medical professionals can offer, unrestricted by anyone's political agenda.

Congress determined that adequate family planning services were in the Nation's interest. Accordingly, a program was established under title X of the Public Health Service Act to provide contraceptive information and services in order to help lower the incidence of unintended pregnancy, improve maternal and infant health, and reduce the incidence of abortion. The law provides that no abortions may be provided with title X funds and both the GAO and Secretaries of HHS have certified that no Federal funds have been utilized for those purposes.

Yet, year after year these programs are blocked, hindered, diluted, or filibustered, not because they are not needed, not because they do not work, but because of an ideological faction that wrongly sees these programs as a battleground against a woman's right to choose a safe and legal abortion.

But, Mr. President, the services the Government should be providing in these programs are safe, unbiased health services. We should not be using taxpayer dollars to promote anyone's political agenda. Politics has no place shaping what a doctor may or may not say to a woman seeking sound medical advice. Yet, that is precisely what the current regulations, insisted upon by the administration and consistently rejected by Congress, provide.

It is a sad irony that the family planning information established under these programs is supposed to give women knowledge about alternatives and choices that, if allowed to function without interference, will ultimately reduce the number of abortions. It will also reduce the number of low birth weight babies, the number of babies born to mothers who are not emotionally or financially prepared to give them a good life, and the number of children who die before their first birthdays.

Mr. President, we may not be willing right now to devote resources to a basic, cost-effective preventive health network to address grave problems of maternal and child health, but to deny women information—to prevent doctors from offering the best possible medical care—out of a misguided ideological crusade, is an outrage. I urge my colleagues to join me in strongly supporting S. 323, so that we can get on with the business of saving America's children. This legislation will clarify, beyond a shadow of a doubt, that Congress' intention was to help poor women get the best care available, so that their children will be born healthy and survive. To do so, we must let doctors speak freely and advise patients professionally about all their legal health options.

Mr. WIRTH. Mr. President, I rise today to express my strong support for Senator CHAFEE's bill to overturn the so-called gag rule. This bill will enable the Federal Government to assist in providing women with all the information they need to make responsible decisions about their reproductive health.

Mr. President, I am outraged by the decision made by the Supreme Court in Rust versus Sullivan because it in effect institutionalizes medical malpractice. This decision says that we have a government that prohibits medical professionals from discussing with their patients not only their rights, but what procedures may be in their best interest.

The decision upholds the administration's plan to promote its own policy at the expense of informed decision-making. This country would not stand for a government that prohibits a physician from telling a woman all her legal options for treating breast cancer. This country cannot stand for a government that prohibits a physician from telling a woman all her legal options about her pregnancy.

Mr. President, I have to say on the face of it, I am perplexed that this administration would continue to pursue this misguided policy. On one hand, most of the policies advocated by the President are geared toward eliminating Government oversight and regulation. But on the other hand—the hand that we must deal with today—he is advocating that the Government intrude into the lives of its citizens and make decisions about reproductive health that a woman should make for herself. To my way of thinking, this is as wrong a policy as there can be.

In its decision, the Supreme Court also upheld the administration's notion that proper and adequate health care is something available only to the moneyed in this country. If a woman works hard yet still requires Federal assistance to meet her health care needs, she simply won't have access to the same level of care that others do.

She is not allowed the opportunity to know what her options are, what the ramifications of her decision may be, or how her mental or physical well-being may be affected. Mr. President, it is an outrage that our Government would promote two types of medical care—limited and censored for the poor and proper and adequate for all others. Evidentally, the Supreme Court believes that only women who can afford private health care are entitled to make educated decisions. Is this equal justice?

I support the efforts of my colleague from Rhode Island in pursuing this legislation to overturn the gag rule and I hope that the other Members of this body will consider what is at stake—consider that the Senate could act in a way that says that we encourage people to closely review their options and make a decision based upon that reflection and guidance.

Mr. GLENN. Mr. President, I rise today in support of S. 323, the Title X Pregnancy Counseling Act of 1991, which overturns one of the most callous and discriminatory Supreme Court decisions of this session.

On May 21, 1991, in the Rust versus Sullivan decision, the U.S. Supreme Court seriously narrowed the basic rights of patients and doctors in federally assisted clinics. The Supreme Court ratified the notion that we have a two-tier system of health care in this country: one that limits the options available to poor pregnant women who must rely on Federal assistance, and another for women who enjoy adequate private health insurance that allows them to be fully informed of all options by their doctor. If title X physicians are unable to provide all medical infor-

mation necessary for patients to make an informed choice about their pregnancy they will violate their medical codes of ethics and forfeit their first amendment rights.

When the Health and Human Services Department adopted the gag rule in 1988, no real thought was given to the health needs of thousands of poor women. However, the consequences of these regulations are indeed harsh. For instance, poor women will be denied the opportunity to discuss all their options; poor women who have made a painful but conscious decision to have an abortion will be unable to get quality information from their most reliable and trustworthy source of information—their doctor; doctors and other health care profesionals will be prevented from doing what they are ethically bound to do—provide complete information on all legal medical options available to their patients.

We must insist that health professionals, no matter who pays their salaries, continue to base the advice they give their patients on medical literature and their own best judgment, not on the Federal Register or the options of the Supreme Court.

The HHS regulations and the Supreme Court's decision clearly misread the congressional intent behind title X. Time and again efforts to legislate a gag rule have been voted down by Congress. Title X funds have never been used to perform abortions, only to provide neutral counseling and referral on all options for dealing with an unintended pregnancy, including abortion. Title X clinics are required to provide general health screening for all contraceptive patients. Clinics also detect and treat sexually transmitted diseases, conduct pregnancy testing, and provide prenatal care services. The scope of services provided by these clinics achieve tremendous health benefits. Pregnancy prevention is just one part of these services.

The high-minded values of bureaucrats and lawmakers have little relevance to the painful choices faced by women and girls in these profoundly personal matters. We must keep bureaucrats with axes to grind from meddling in the medical decisions of doctors and other health care professionals. Therefore, we must move quickly to enact legislation which will overturn the title X gag rule. I urge my colleagues to join me in support of S. 323.

STATES RIGHTS

Mr. KOHL. It is my understanding that the amendment by the Senator from Indiana is not intended to preempt States rights, and that a State such as Wisconsin which has in effect a parental notification law falls within section 4 of the amendment and is thereby exempt from the amendment's requirements.

Mr. COATS. That is correct. So long as a State has previously passed and has in effect a parental notification law, it is not my intent that that State's laws be superseded by this amendment.

Mr. KENNEDY. Mr. President, I would just like to take a few minutes to comment on the importance of this bipartisan achievement in voting to overturn the gag rule. By this action, we have reaffirmed the importance of free speech in this country and the right of physicians to practice medicine without Government censorship. We have expressed our unwillingness to condone a two-tiered medical system, in which the Government is allowed to dictate that low-income citizens are not entitled to complete information about their medical options. And we have sent a clear message to the administration that Congress never intended to gag physicians or cause them to engage in the practice of unethical medicine.

I would like to thank my colleagues for their work and leadership on this very important legislation. First of all, I would like to express my appreciation to the majority leader, Senator MITCHELL for all his efforts in bringing this bill to a favorable vote within the brief time period since the Supreme Court decision. I would also like to thank Senator CHAFEE for his leadership and diligence in protecting this basic American right of free speech.

Senator ADAMS and Senator PACKWOOD should also be commended for their invaluable assistance. And of course, Senator HATCH, the ranking member of the Labor and Human Resources Committee.

Let me also express my thanks to those members of my staff, and other Senators' staff who worked so hard to pass this bill. From my staff, Mary Jeka, Carolyn Osolinik, and Emily Van Tassel; Laurie Rubiner from Senator CHAFEE's staff; from Senator ADAMS staff, Robin Lipner and Ellen Globokar; from Senator HATCH's staff, Nancy Taylor; from Senator CRANSTON's staff, Suzanne Martinez; and from Senator PACKWOOD's staff, Marcia Ohlemiller.

The PRESIDING OFFICER. Are there further amendments to the bill? If not, the question on the substitute amendment, as amended.

The amendment (No. 753), as amended, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (S. 323), as amended, was passed as follows:

S. 323

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title X Pregnancy Counseling Act of 1991".

SEC. 2. PROVISION OF INFORMATION, NONDIRECTIVE COUNSELING AND REFERRAL SERVICES REGARDING PREGNANCIES.

Title X of the Public Health Service Act (42 U.S.C. 300 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1010. PROVISION OF INFORMATION, NONDIRECTIVE COUNSELING AND REFERRAL SERVICES REGARDING PREGNANCIES.

"(a) AVAILABILITY OF INFORMATION.—The Secretary shall ensure that pregnant women receiving services from projects funded under this title are provided with information and nondirective counseling services, and referral services upon request, concerning all legal and medical options regarding their pregnancies. Women requesting information or nondirective counseling under this section regarding the options for the management of an unintended pregnancy shall be provided with nondirective counseling, and referral on request, concerning alternative courses of action that may include—

"(1) prenatal care and delivery; and

"(2) infant care, foster care, or adoption services; and

"(3) pregnancy termination.

If, in the case of a woman requesting such information and nondirective counseling, an ectopic pregnancy or other immediate threat to the women's health is suspected, such woman must be referred for immediate diagnosis and therapy.

"(b) EXEMPTION FOR RELIGIOUS BELIEFS OR MORAL CONVICTIONS.—

"(1) IN GENERAL.—No project, or individual employed or associated with such project, may decline to provide information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a), except where the provision of such information, nondirective counseling or referral services would be contrary to the religious beliefs or moral convictions of the project or individual.

"(2) FACILITIES AND PERSONNEL.—A project that, as provided for in paragraph (1), declines to provide information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a), may not be required to—

"(A) make its facilities available for the provision of such information, nondirective counseling or referral services; or

"(B) provide any personnel for the provision of such information, nondirective counseling or referral services.

"(c) REQUIREMENT OF REFERRAL.—If a project or individual is exempt pursuant to subsection (b) from the requirement of providing information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a), such project or individual shall advise the patient of that fact and refer such patient to another individual within the same project, or if another such individual is unavailable, to another project, that pro-

vides such information, nondirective counseling or referral services.

"(d) PROHIBITION AGAINST DISCRIMINATION.—A project receiving assistance under this title after the date of enactment of this section shall not—

"(1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel; or

"(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel;

because such physician or other health care personnel has provided information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2), or (3) of subsection (a) or refused to provide such information, nondirective counseling or referral services on the grounds that such information, nondirective counseling or referral services would be contrary to the religious beliefs or moral convictions of the physician or health care personnel, or because of the religious beliefs or moral convictions of the physician or health care personnel with respect to such information, nondirective counseling or referral services.

"(e) NON-TERMINATION OF GRANT.—No project may be denied funding, or be terminated, under this title based on the decision of such project to provide or decline to provide information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a). The burden of proof shall be on the entity or official making the determination to deny funding or terminate the project to demonstrate that such denial or termination is not based on the decision by such project to provide or decline to provide such information, nondirective counseling or referral services.

"(f) ACCESSIBILITY OF SERVICE.—A grantee under this title shall ensure that information, nondirective counseling or referral services on each of the subjects described in paragraphs (1), (2) or (3) of subsection (a) is available at an adequate number of projects assisted by such grantee under the grant within the geographic area served, or otherwise provide access to such information, nondirective counseling or referral services at another entity within the grantee's geographic area which will provide such services under the same financial eligibility criteria as projects assisted under this title.

"(g) DEFINITION.—For purposes of this section, the term 'project' means an entity that provides family planning services with funds received under this title under a negotiated, written agreement with a grantee.

"(h) PROVISION OF STATISTICS.—A project receiving assistance under title X of the Public Health Service Act shall maintain statistics concerning the referrals of pregnant women to whom such project has provided information, counseling or referral under subsection (a). Such project shall, on a quarterly basis, prepare and submit to the Secretary of Health and Human Services a report containing the statistics maintained by the project under this subsection for the quarter for which such report is submitted. The Secretary shall ensure that no records are maintained by such project which include the names of individual women and the referrals requested by such women.".

SEC. 3. ABORTION SERVICES PROVIDED TO MINORS.

Section 1001 of the Public Health Service Act (42 U.S.C. 300) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) No entity that receives a grant or enters into a contract under this section shall provide an abortion for an unemancipated minor under the age of 18 unless—

"(A) the attending physician has received and will make part of the medical record of such minor the written consent of the minor and one parent, guardian, or adult family member of the minor;

"(B) the attending physician has given prior notice to a parent or guardian of the minor 48 hours prior to the performance of the abortion;

"(C)(i) the minor has received the information and counseling required under paragraph (2);

"(ii) the minor has provided a written verification of receiving such information and counseling and the attending physician has received and will make part of the medical record of the minor the written consent and written verification of the minor; and

"(iii) the attending physician has determined that—

"(I) the minor is mature enough and competent to provide consent; or

"(II) the involvement of a parent or guardian of the minor may lead to the physical or emotional abuse of the minor or is otherwise not in the best interest of the minor; or

"(D) a court of competent jurisdiction has issued an order, as described in paragraph (3), granting the minor the right to consent to the abortion.

"(2)(A) The information and counseling required under paragraph (1)(C) shall, in a manner that will be understood by the minor—

"(i) provide the minor with information concerning the alternative choices available for managing the minor's pregnancy, including prenatal care and delivery, infant care, foster care, or adoption, and pregnancy termination;

"(ii) include a discussion of the possibility of involving the minor's parents, guardian or other adult family members in the decision of the minor concerning the pregnancy and whether the minor believes that such involvement would be in the best interest of the minor; and

"(iii) provide an adequate opportunity for the minor to ask any questions concerning the pregnancy and the options available for the management of the pregnancy.

"(B) The individual providing the information and counseling to the minor as provided for under paragraph (1)(C) shall obtain the signature of the minor on a dated form that—

"(i) states that the minor has received the information and counseling described in subparagraph (A); and

"(ii) sets forth the reasons, if any, for not involving the parents, guardian or other adult family members of the minor in the decision of the minor concerning the pregnancy.

The individual providing the information and counseling shall sign and date the form, maintain a copy of the form and provide the original form to the minor or, if the minor so requests and the individual providing the information and counseling is not the attending physician, transmit the original form or a copy of such form to the attending physician of the minor.

"(C) The information and counseling required under paragraph (1)(C) may be provided by a physician, psychiatrist, psychologist, social worker, physician's assistant, nurse practitioner, guidance counselor, registered professional nurse or practical nurse licensed or registered to practice under applicable State laws, or an ordained member of the clergy.

"(3) This subsection shall not be applicable in any State that fails to provide a pregnant unemancipated minor under the age of 18 with a confidential, expedited judicial procedure that enables such a minor to obtain a judicial determination that the minor is mature enough and well enough informed to make the abortion decision, in consultation with the physician of the minor, independently, or that the abortion would be in the best interests of the minor.

"(4) This subsection shall not be applicable in any State—

"(i) in which the State law prescribes the conditions or circumstances under which abortions may be provided to unemancipated minors under the age of 16;

"(ii) to the extent that this subsection would conflict with the provisions of the constitution of such State; or

"(iii) in which a referendum or initiative has been held concerning the conditions or circumstances under which abortions may be provided to unemancipated minors and such referendum or initiative has been subjected to a popular vote.

"(5) For purposes of this subsection, the term 'adult family member' means an individual over the age of 18 who is a sibling, grandparent, or aunt or uncle of the minor.

"(6) A postal receipt that shows an article of mail was sent by certified mail, return receipt requested, delivery restricted to the addressee, bearing a postmark from the United States Postal Service, to the last known address of a parent or guardian and that is attached to a copy of the notice that was sent in that article of mail, shall be conclusive evidence of the notice described in paragraph (1)(B). The notice, if sent by certified mail, shall be deemed to have been received at 12:00 post meridian on the next day on which regular mail delivery takes place, subsequent to the mailing.".

SEC. 4. PARENTAL NOTIFICATION REGARDING ABORTION.

Section 1001 of the Public Health Service Act (42 U.S.C. 300) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) The Secretary may not make a grant under this section unless the entity applying for the grant agrees that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform any abortion on such a minor, without regard to whether the abortion is to be performed with any financial assistance provided by the Secretary, unless there has been compliance with one of the following:

"(1) A written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent, except that notification may be delivered personally by a physician or the physician's agent, in which case 48 hours elapses from the time of making personal delivery, or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United

States district courts), in which case 48 hours elapses from 12 o'clock noon on the second day of regular mail delivery that follows the day on which the notification is posted.

"(2) The physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical disorder or disease making the abortion necessary to prevent her death and there is insufficient time to provide the required notice.

"(3) The minor declares that the pregnancy resulted from incest with a parent or guardian of the minor or that she has been subjected to or is at risk of sexual abuse, child abuse, or child neglect by a parent or guardian, as defined by the applicable State law, provided that in any such case the physician notifies the authorities specified by such State law to receive reports of child abuse or neglect of the known or suspected abuse or neglect before the abortion is performed.

"(4) The entity complies with an applicable State or local law that requires that one or both parents or a guardian either be notified or give consent before an abortion is performed on an unemancipated minor under the age of 18, whether or not the State law provides that parental notification or consent may be waived through judicial proceedings.".

SEC. 5. TITLE 10 PROJECTS SEPARATE FROM CLINICS THAT PERFORM ABORTIONS.

Nothing in this Act shall be construed to invalidate, nullify or amend regulations published at 42 CFR 59.9 and 59.10.

SEC. 6. PARENTAL NOTICE.

Notwithstanding any other provision in this Act, a requirement of parental notice or consent shall not be applicable in any State in which has held a referendum or initiative before December 1990 concerning the conditions or circumstances under which abortions may be provided to unemancipated minors and such referendum or initiative has been subjected to a popular vote.

SEC. 7. STATE LAW NOT SUPERSEDED.

Title X of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. _____. STATE LAW NOT SUPERSEDED.

"(a) Notwithstanding any other provision of law, no State may be denied funds under this Act because it requires health care providers to obtain the consent or notification of the parent of a minor before providing any health care service to such minor.

"(b) Such law must be enacted prior to April 1, 1981.".

Mr. KENNEDY. Mr. President, I moved to reconsider the vote by which the bill, as amended, was passed.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I want to express our appreciation to the majority leader for the cooperation that we have received, and also the minority leader, and pay tribute to the Senator from Rhode Island, who has been the primary mover of this legislation which is extremely important and vital in terms of the practicing of medicine by American physicians and pediatricians and gynecologists.

It is, I think, a real indication that this body wants to have medicine practiced in those clinics and not have politicians dictating medical advice. I think it is a tribute to the Senator from Rhode Island. I pay tribute to him and to my colleague, Senator ADAMS, who has been a strong force here on the floor.

I once again thank my friend from Utah. We are not in agreement with important provisions, obviously, of the legislation, but nonetheless we have respected each other's differences and we have seen I think one of the very important pieces of public health policy that we will pass in this Congress achieved today.

Mr. HATCH and Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I would be happy to defer to the Senator from Rhode Island, then I would like to be recognized.

Mr. CHAFEE. Mr. President, I want to thank the distinguished Senator from Utah.

First of all, I wish to thank the manager of the bill, the distinguished senior Senator from Massachusetts. It was his committee that brought this bill to the floor. He has been a stalwart in our efforts to obtain its passage.

I also want to thank the majority leader, who has been extremely helpful throughout this long process that has involved many, many decisions. I have worked with him in many other areas dealing with the environment and this is the first chance we have had to work together on matters of this particular nature. As always, he has just been absolutely tremendously supportive and helpful. So I want to thank the distinguished majority leader for all he has done, and again to thank the Chairman of the committee, because we would not be here considering this if he had not brought it to the floor and if the majority leader had not called it up.

As for the distinguished Republican manager, Senator HATCH, he has not been exactly supportive of this measure but he has not stood in our way. He has called up the votes and we have moved along. So I am grateful to him for helping us move ahead in an orderly fashion.

Mr. HATCH. Mr. President, I do not want to keep the Senate much longer because we have been on this for a long time, and I know the majority leader wants to move to another bill. But, Mr. President, I do want to just say a few things about this bill that was just passed.

This bill is not about free speech. It is not about physician-patient relationships. It is not about access to health care for poor women. This bill is about using taxpayer dollars for the funding of abortion as a method of family planning. No more, no less. The substitute uses Federal dollars intended to fund contraceptive and other preventive family planning efforts to now fund abortion.

The American taxpayer does not want it. I do not. Abortion should never be a method of family planning and a vast majority of American citizens do not want it to be.

It is important my colleagues understand this bill is not neutral with respect to abortion. Under this bill, the only option on which a women must receive counseling is abortion. That is the only option where she must receive counseling.

The Chafee substitute says that title X projects may—"may," not "must," but may—provide counseling on prenatal care and delivery, infant care, foster care, adoption services or "pregnancy termination," that is, abortion.

Thus, a clinic with a proabortion orientation—and that unfortunately, Mr. President, describes most title X recipients—could fall to tell a client about my course of action except abortion.

What about a title X recipient that has religious objections to doing abortion counseling or to referring women for abortion?

Under subsection (c) of the bill, such providers would have to arrange for women to get abortion counseling and referral either in their project or in another project.

Thus, the bill requires that women receive counseling on one option and one option only, that is, abortion.

If your clinic is staffed by proabortion people—and most of them are—you may tell clients about other alternatives. But you need not do so under the Chafee bill. But if your clinic is staffed by people who have moral or religious objections to abortion, you must—not may, but must—arrange for pregnant clients to be counseled about abortion and to be referred for abortions.

This is significant stuff. That is why I believe the President of the United States will veto this bill should it pass through both Houses of Congress, and he would be right in doing so. To move from pure family planning, which is prepregnancy care and care for persons who want to have a baby, to one where abortion becomes the choice of first resort recommendation by those in the clinic, is I think a tremendously poor move, and I think contrary to what most American citizens really want. It really brings abortion to the point of now being a method of family planning; abortion, a method of family planning.

I think that is a sad day for the country but, be that as it may, the Senate has worked its will, and I hope if this bill does work its way through both Houses of Congress the President will veto it. I hope we will have the guts to sustain that veto. I thank the Chair and I thank my friend, the chairman of the Labor and Human Resources Com-

mittee, who managed it on the other side and who I think has worked diligently to help resolve some of the problems at the end. I would like to thank the distinguished majority leader who, as in all cases, handles these matters with class, with forebearance, with kindness, and with an ability to bring people together. I personally want to express my regard, my high regard—and I mean it—to the distinguished majority leader.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I thank my colleague for his kind remarks. They are very deeply appreciated.

I am pleased the Senate has acted on this important measure and I hope soon we will be enacting into law provisions which repeal the unwise and inappropriate gag rule that has been in effect as a result of the Bush administration's regulations.

Those regulations suppress free speech, create a two-tier class of medical advice in our society in which young, poor, often frightened women are unable to receive the same quality and completeness of medical advice to which other Americans are entitled. That is a situation which I think no one who cares about equality in our society can tolerate. So I hope this will become law.

I commend the distinguished Senator from Rhode Island [Mr. CHAFEE] for his leadership in this area, as well as Senator KENNEDY and Senator ADAMS for their persistence and perseverance.

UNANIMOUS CONSENT AGREEMENT—H.R. 2519

Mr. MITCHELL. Mr. President, I am about to propound a unanimous-consent request which has been cleared by the Republican leader.

I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed at any time to the consideration of H.R. 2519, the VA-HUD appropriations bill for fiscal year 1992 notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, SUNDRY INDEPENDENT AGENCIES, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATION ACT, FISCAL YEAR 1992

Mr. MITCHELL. Having disposed of the matter, Mr. President, the Senate is now ready to proceed to other important legislation and, exercising the authority granted to me under the previously adopted unanimous-consent agreement, I now ask the Chair to lay before the Senate H.R. 2519, the VA-HUD appropriations bill for fiscal year 1992.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2519) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 412, 777, and 806, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $15,841,620,000, to remain available until expended: *Provided,* That not less than $9,711,000 of the foregoing amount shall be transferred to "General operating expenses" for necessary expenses in implementing those savings provisions authorized in the Omnibus Budget Reconciliation Act of 1990, the funding source for which is specifically provided as the "Compensation and pensions" appropriation.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34-36, 39, 51, 53, 55, and 61), $635,400,000, to remain available until expended: *Provided,* That, funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98-77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $25,740,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 38 U.S.C. chapter 37, as amended, such sums as may be necessary to carry out the purpose of the program.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $39,689,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 38 U.S.C. chapter 37, as amended, such sums as may be necessary to carry out the purpose of the program.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $85,870,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 38 U.S.C. chapter 37, as amended, such sums as may be necessary to carry out the purpose of the program: *Provided,* That during 1992, within the resources available, not to exceed $1,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $1,368,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 38 U.S.C. 1798, as amended, $8,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000.

In addition, for administrative expenses necessary to carry out the education loan program, $307,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, includ-

ing the cost of modifying loans, of direct loans authorized by 38 U.S.C. chapter 31, as amended, $105,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,688,000.

In addition, for administrative expenses necessary to carry out the vocational rehabilitation revolving fund program, $936,000, which may be transferred to and merged with the appropriations for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed $2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); [$13,495,096,000] *$13,527,920,000*, plus reimbursements: *Provided*, [That of the sum appropriated, $8,750,000,000 is available only for expenses in the personnel compensation and benefits object classifications: *Provided further*,] That of the funds made available under this heading, [$375,000,000] *$389,550,000* is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1992: *Provided further*, That of the collections deposited in the "Medical care cost recovery revolving fund" pursuant to the Omnibus Budget Reconciliation Act of 1990, not more than $77,000,000 shall be available in fiscal year 1992 to cover the costs of collection activities: *Provided further, That of the funds made available under this heading, not to exceed $6,000,000 shall be available for transfer to the Medical Administration and Miscellaneous Operating Expenses Appropriation for quality assurance functions: Provided further, That of the funds made available under this heading, $700,000 shall be made available for a rural mobile clinic in the State of Vermont.*

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1993, [$226,795,000] *$227,000,000*, plus reimbursements.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

For payment of health professional scholarship program grants, as authorized by law, to students who agree to a service obligation with the Department of Veterans Affairs at one of its medical facilities, $10,113,000.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law, $40,479,000, plus reimbursements.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1993.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; [cemeterial expenses as authorized by law; purchase of six passenger motor vehicles, for use in cemeterial operations, and] hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; [$854,204,000] *$805,159,000*, of which $42,000,000 for the acquisition of automated data processing equipment and services to support the modernization program in the Veterans Benefits Administration shall not become available for obligation until September 1, 1992, and shall remain available for obligation until September 30, 1993: *Provided*, That in addition to the foregoing amount made available under this head, $14,100,000 is appropriated for the unbudgeted fiscal year 1992 incremental costs associated with Operation Desert Shield/Operation Desert Storm and such funds are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further, That the funds appropriated in the preceding proviso shall be available only after submission to the Congress of a formal budget request by the President that designates said amount as an emergency requirement as defined in section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further*, That the $616,658,000 appropriated for the Veterans Benefits Administration in the "General operating expenses" appropriation of Public Law 101–507, is reduced to $613,658,000, and the $3,000,000 shall be available for the National Cemetery System.

NATIONAL CEMETERY SYSTEM

For necessary operating expenses of the National Cemetery System not otherwise provided for, including uniforms or allowance therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of six passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $67,045,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$28,000,000] *$29,959,000*.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 230, 1004, 1006, 5002, 5003, 5006, 5008, 5009, 5010, and 5022 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, [$522,000,000] *$309,850,000*, to remain available until expended: *Provided*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1992, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1992, and (2) by the awarding of a construction contract by September 30, 1993: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): *Provided further*, That no funds from any other account except the "Parking garage revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: *Provided further*, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Department of Veterans Affairs medical facility must certify that the design of such project is acceptable from a patient care standpoint: *Provided further, That $100,000 of the funds made available under this heading shall be for the purchase of land adjacent to the Veterans Medical Center, Beckley, West Virginia.*

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, or for any of the purposes set forth in sections 230, 1004, 1006, 5002, 5003, 5006, 5008, 5009, 5010, and 5022 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, [$189,701,000] *$190,701,000*, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided*, That not more than [$45,176,000] *$41,176,000* shall be available for expenses of the Office of Facilities, including research and development in building construction technology: *Provided further*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING GARAGE REVOLVING FUND

For the parking garage revolving fund as authorized by law (38 U.S.C. 5009), [$19,200,000] *$8,536,000*, together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 5009 except operations and maintenance costs which will be funded from "Medical care"[: *Provided*, That from funds previously appropriated under this head, the Department of Veterans Affairs shall construct parking facilities with at least 1,500 spaces at the Detroit VA Medical Center].

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 5031-5037), $85,000,000, to remain available until September 30, 1994.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by law (38 U.S.C. 1008), $5,104,000, to remain available until September 30, 1994.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Any appropriation for 1992 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

Appropriations available to the Department of Veterans Affairs for 1992 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects" and the "Parking garage revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

Appropriations available to the Department of Veterans Affairs for fiscal year 1992 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities", shall be available for payment of prior year accrued obligations required to be recorded by law against the aforementioned accounts within the last quarter of fiscal year 1991.

Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1992 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, 1987, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

Any funds available for fiscal year 1992 (not to exceed $10,000,000) for "General Operating Expenses" and the "National Cemetery System" may be transferred between the two appropriations.

Notwithstanding the funding limitations contained in section 346 of Public Law 100-322 (May 20, 1988), appropriations available to the Department of Veterans Affairs for fiscal year 1992 for National Cemetery System shall be available for the operation and maintenance of the National Memorial Cemetery of Arizona (formerly the Arizona Veterans Memorial Cemetery).

The Secretary of the Department of Veterans Affairs is hereby required to comply with regulations to be issued by the Department of Health and Human Services pursuant to the Clinical Laboratory Improvement Amendments of 1988.

The Department of Veterans Affairs medical center in Northampton, Massachusetts, shall after the date of the enactment of this Act be known and designated as the "Silvio O. Conte Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Silvio O. Conte Department of Veterans Affairs Medical Center.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(INCLUDING TRANSFER OF FUNDS)

For the HOPE for Public and Indian Housing Homeownership Program as authorized under title III of the United States Housing Act of 1937 (42 U.S.C. 1437aaa et seq.) and subtitle A of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), [$151,000,000] *$175,000,000*; for the HOPE for Homeownership of Multifamily Units Program as authorized under title III of the United States Housing Act of 1937 and subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), [$100,000,000] *$130,000,000*; for the HOPE for Homeownership of Single Family Homes Program as authorized under title III of the United States Housing Act of 1937 and subtitle C of title IV of the Cranston-Gonzalez National Affordable Housing Act, [$100,000,000] *$125,000,000*; and for the HOPE for Elderly Independence demonstration program as authorized under section 803(k) of the Cranston-Gonzalez National Affordable Housing Act, [$10,000,000] *$10,400,000*: *Provided*, That all amounts shall remain available until expended: *Provided further, That, notwithstanding any other provision of law, a mutual housing association shall qualify as an applicant under the HOPE for Homeownership of Multifamily Units Program: Provided further, That in selecting eligible families to acquire vacant units under the HOPE for Homeownership of Single Family Homes program, the recipient shall give a first preference to otherwise qualified eligible families who reside in public or Indian housing: Provided further, That of the amounts made available by this paragraph, $225,000,000 shall be derived by transfer from amounts made available for nonincremental use under the heading "Annual contributions for assisted housing" in fiscal year 1991 and prior years which remains unreserved at the end of fiscal year 1991.*

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), [$500,000,000] *$2,000,000,000*, to remain available until expended: [*Provided*, That after setting aside amounts for reservation in accordance with section 217(a)(2), and prior to applying the allocation provisions of section 217(a)(1) of such Act, $25,000,000 of the foregoing $500,000,000 shall be available for grants to States and units of general local government for a program of lead-based paint abatement in privately-owned housing, in accordance with such terms and conditions as the Secretary shall specify: *Provided further*, That for the purposes of the foregoing $500,000,000, such Act shall be construed as providing the following: in section 216(3)(A), "$750,000" both places it appears shall be "$375,000"; in section 217(b)(2)(A), "$3,000,000" both places it appears shall be "$750,000"; in section 217(b)(2)(B), "$500,000" both places it appears shall be "$125,000"; and in section 217(b)(3), "$500,000" shall be "$250,000"] *Provided, That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided herein for fiscal year 1992 only, require any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of such Act.*

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

[(INCLUDING RESCISSION)

[For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $9,985,790,000, to remain available until expended: *Provided*, That of the new budget authority provided herein, along with $216,200,000 of budget authority previously made available for vouchers and certificates under section 8(o) and section 8(b) of the Act (42 U.S.C. 1437(o)) which remains unreserved at the end of fiscal year 1991, $157,800,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1737bb); $574,500,000 shall be for the development or acquisition cost of public housing, including $143,625,000 for major reconstruction of obsolete public housing projects, other than for Indian families; $2,500,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including funds for the comprehensive testing, abatement, and risk assessment of lead, of which $25,000,000 shall be for the risk assessment of lead and $5,000,000 shall be for technical assistance and training under section 20 of the Act (42 U.S.C. 1437r); $1,106,550,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f) (of which $35,000,000 shall be for Foster Child Care); $818,975,000 shall be for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437(o)); $2,555,141,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, including $70,000,000 which shall be for rental adjustments resulting from the application of an annual adjustment factor in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235); $718,462,000 shall be for assistance for State or local, tenant and nonprofit organizations to purchase projects where owners have indicated an intent to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $348,750,000 shall be for loan management, provided that any amounts of budget authority provided herein that are used for loan management activities under section

8(b)(1)(42 U.S.C. 1437f(b)(1)) shall not be obligated for a contract term that is less than five years; $266,682,000 shall be for section 8 assistance for property disposition; and $41,000,000 shall be for the conversion of rent supplement and rental assistance program units and projects to section 8 project-based assistance: *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That up to $227,000,000 of amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as hereinafter provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1992, shall be rescinded: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall not be rescinded, or in the case of cash, shall not be remitted to the Treasury, and such amounts of budget authority or cash shall be used by State housing finance agencies in accordance with such section: *Provided further*, That notwithstanding the 20 percent limitation under section 5(j)(2) of the Act, 25 percent of the new budget authority for the development or acquisition costs of public housing other than for Indian families shall be used for major reconstruction of obsolete public housing projects other than for Indian families: *Provided further*, That of the $9,985,790,000 provided herein, $50,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); and $4,200,000 shall be for the housing demonstration under section 304(e)(1) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further*, That sales of housing units by a public housing agency, as authorized by section 5(h) of the United States Housing Act of 1937, as amended, which occur under the Department of Housing and Urban Development's "Public Housing Homeownership Demonstration" (as described in 49 FR 43028 of October 25, 1984), shall not be subject to section 304(g) of such Act: *Provided further*, That of the $54,250,000 earmarked in Public Law 101-507 for special purpose grants (104 Stat. 1351, 1357), $667,000 made available for the city of Chicago to assist the Ashland II Redevelopment Project shall instead be made available for the city of Chicago to assist the Marshway Project.

[Of the $9,985,790,000 provided under this head, $343,920,000 shall be for capital advances for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $380,950,000 shall be for project rental assistance for supportive housing for the elderly under such section 202(c)(2) of the Housing Act of 1959, of which up to $92,950,000 may be for amendments for section 8 contracts for projects for the elderly that receive capital advances, including projects previously reserved under section 202 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act, including $16,250,000 for service coordinators pursuant to section 202(g) of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625).

[Of the $9,985,790,000 provided under this head, $83,400,000 shall be for capital advances for housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $104,510,000 shall be for project rental assistance for persons with disabilities under section 811(b)(2) of the Cranston-Gonzalez National Affordable Housing Act, of which up to $23,300,000 may be for amendments for contracts for projects for the handicapped that receive capital advances, including projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act.

[Any amounts heretofore provided under this head for assistance under section 8 of the United States Housing Act (42 U.S.C. 1437) for rental assistance in projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) (before revision in section 801 of the Cranston-Gonzalez National Affordable Housing Act) for such projects for the handicapped, may be used by the Secretary for project rental assistance under section 202(c)(2) of such Act (after revision by section 801 of the Cranston-Gonzalez National Affordable Housing Act).]

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $7,917,000,000, to remain available until expended: Provided, That to be transferred to and merged with the foregoing amounts, there shall be $1,764,747,195, consisting of $216,200,000 of budget authority previously made available for vouchers and certificates under section 8(o) and section 8(b) of the Act (42 U.S.C. 1437f(b)(o)) which remains unreserved at the end of fiscal year 1991; $348,547,195 of budget authority previously made available under this head for nonincremental purposes which remains unreserved at the end of fiscal year 1991; and $1,200,000,000 of recaptured section 8 funds resulting from the conversion of projects previously reserved under section 202 of the Housing Act of 1959, as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act, to the new capital grants program: Provided further, That, from the foregoing total of $9,681,747,195, $243,396,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); $573,982,500 shall be for the development or acquisition cost of public housing, including $15,719,158 for a demolition/disposition demonstration program in St. Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $3,000,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including funds for the comprehensive testing, abatement, and risk assessment of lead, of which $25,000,000 shall be for the risk assessment of lead and $5,000,000 shall be for technical assistance and training under section 20 of the Act (42 U.S.C. 1437r): Provided, That notwithstanding the 20 per centum limitation under section 5(j)(2) of the Act, of the $3,000,000,000 made available for modernization of existing public housing, $200,000,000 shall be awarded competitively for construction or major reconstruction of obsolete public housing projects, other than for Indian families, and $7,437,600 shall be for a demolition/disposition demonstration program in St. Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): Provided further, That of the $9,681,747,195 total under this head, $883,750,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f), including $50,000,000 for a Foster Child Care demonstration program involving ten States, and $12,840,790 for a demolition/disposition demonstration program in St. Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $777,500,000 shall be for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)); $1,320,042,895 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, including $70,000,000 which shall be for rental adjustments resulting from the application of an annual adjustment factor in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235), and such amendments to section 8 contracts, other than amendments to contracts for projects developed under section 202 of the Housing Act of 1959, as amended, and other than amendments for rental adjustments resulting from the application of an annual adjustment factor in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235), shall be for no more than three years; $718,462,000 shall be for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intent to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and of the $718,462,000 made available for such assistance, up to $50,000,000 shall be for use by nonprofit organizations, pursuant to section 212 of the Emergency Low Income Housing Preservation Act of 1987, as amended by the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and for tenant and community-based nonprofit education, training and capacity building and the development of State and local preservation strategies; $166,900,000 shall be for loan management: Provided, That any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall be obligated for a contract term that is no more than five years; and $88,883,800 shall be for section 8 assistance for property disposition: Provided further, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: Provided further, That up to $227,000,000 of amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as hereinafter provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1992, shall be rescinded: Provided

further, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall not be rescinded, or in the case of cash, shall not be remitted to the Treasury, and such amounts of budget authority or cash shall be used by State housing finance agencies in accordance with such section: Provided further, That of the $9,681,747,195 total, $50,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) and $75,000,000 shall be for grants to States and units of general local government for the abatement of significant lead-based paint and lead dust hazards in low- and moderate-income owner-occupied units and low-income privately-owned rental units: Provided further, That such grant funds shall be available only for projects conducted by contractors certified and workers trained through a federally- or State-accredited program: Provided further, That, to be eligible for such grants, States and units of general local government must demonstrate the capability to identify significant-hazard housing units, to oversee the safe and effective conduct of the abatement, and to assure the future availability of abated units to low- and moderate-income persons; and $4,200,000 shall be for the housing demonstration under section 304(e)(1) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): Provided further, That of the $54,250,000 earmarked in Public Law 101-507 for special purpose grants (104 Stat. 1351, 1357), $667,000 made available for the city of Chicago to assist the Ashland II Redevelopment Project shall instead be made available for the city of Chicago to assist the Marshway Project: Provided further, That notwithstanding the language preceding the first proviso of this paragraph, $72,800,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the Senate Appropriations Committee report on 1992 appropriations for the Departments of Veterans Affairs and Housing and Urban Development (S. Rept. 102-107).

Of the $9,681,747,195 total under this head, $573,200,000 shall be for capital advances for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $480,000,000 shall be for the project rental assistance for supportive housing for the elderly under such section 202(c)(2) of the Housing Act of 1959; $248,700,000 shall be for amendments to rental assistance contracts for projects for the elderly that receive capital advances or projects reserved under section 202 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act; and $16,250,000 shall be for service coordinators pursuant to section 202(g) of the Housing Act of 1959, as amended by section 808 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625).

Of the $9,681,747,195 total under this head, $111,200,000 shall be for capital advances for housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $108,280,000 shall be for project rental assistance for persons with disabilities under section 811(b)(2) of the Cranston-Gonzalez National Affordable Housing Act; $23,300,000 shall be for amendments to rental assistance contracts for projects for the handicapped that receive capital advances, including projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act.

In 1992 and thereafter, the amount of assistance payments made with funds provided under this head for vouchers and certificates under section 8(o) and section 8(b) of the Act (42 U.S.C. 1437f(b)(o)) may be adjusted annually if necessary to assure continued affordability: Provided, That the aggregate amount of such adjustments may not exceed the amount of any excess of contributions provided for in the contract over the amount of assistance payments actually paid.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

[For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, $7,024,589,000, to remain available until expended: *Provided*, That funds provided under this paragraph may not be obligated for a contract term that is less than five years: *Provided further*, That the Secretary may maintain consolidated accounting data for funds disbursed at the Public Housing Agency or Indian Housing Authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts.]

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, $7,024,589,000, to remain available until expended: Provided, That funds provided under this paragraph may not be obligated for a contract term that is less than five years: Provided further, That the Secretary may maintain consolidated accounting data for funds disbursed at the Public Housing Agency or Indian Housing Authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts: Provided further, That, for those projects in the State of Maine, the owners of which have converted their section 23 leased housing contracts (former section 23 of the Act, as added by section 103(a), Housing and Urban Development Act of 1965, Public Law 89-117, 79 Stat. 451, 455) to section 8, the subsidy provided for five-year project-based certificates (42 U.S.C. 1437f(b)).

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1992 by not more than $2,393,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

RENT SUPPLEMENT PROGAM

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is reduced in fiscal year 1992 by not more than $2,448,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and non-profit corporations for congregate services programs in accordance with the provisions of the Congregate Housing Services Act of 1978, as amended, [$9,500,000] *$26,000,000*, to remain available until September 30, 1993.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), [$2,188,844,000] *$2,500,000,000*: *Provided, That of the funds provided under this heading, $344,156,000 shall not become available for obligation until September 20, 1992.*

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii), section 106(a)(2), section 106(c), and section 106(d) of the Housing and Urban Development Act of 1968, as amended, [$8,350,000] *$3,700,000*, of which $350,000 shall be available for the prepurchase and foreclosure-prevention counseling demonstration program.

FLEXIBLE SUBSIDY FUND

For assistance to owners of eligible multifamily housing projects insured, or formerly insured, and under the National Housing Act, as amended, or which are otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, [$52,413,000] *$50,000,000*, and all uncommitted balances of excess rental charges as of September 30, 1991, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1992, to remain available until expended: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1992, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $60,000,000,000.

For administrative expenses necessary to carry out the guaranteed loan program, $255,645,000, to be derived from the FHA-Mutual Mortgage Insurance Guaranteed Loans Receipt account, of which not to exceed $250,100,000 may be transferred to and merged with the appropriations for salaries and expenses; and of which not to exceed $5,545,000 may be transferred to and merged with the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, includ-

ing the cost of modifying loans, of guaranteed loans under such funds authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $54,911,000: *Provided*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed of not to exceed $8,651,901,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan programs, $189,000,000, of which $184,900,000 shall be transferred and merged with the appropriations for salaries and expenses; and of which $4,100,000 shall be transferred and merged with the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK INSURANCE FUNDS

On October 1, 1991, each outstanding obligation issued by the Secretary of Housing Urban Development to the Secretary of the Treasury pursuant to section 520(b) of the National Housing Act, as amended, together with any promise to repay the principal and interest which has accrued on each obligation, and any other term or condition specified by each such obligation, is canceled.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by 42 U.S.C. 11901-11908, and for drug information clearinghouse services authorized by 42 U.S.C. 11921-11925, $165,000,000, to remain available until expended: *Provided*, That $5,700,000 of the foregoing amount shall be available for grants, contracts, or other assistance for technical assistance and training for or on behalf of public housing agencies and resident organizations (including the costs of necessary travel for participants in such training): *Provided further*, That $10,000,000 of the foregoing amount shall be made available for grants for federally assisted, low-income housing.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1992, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed $74,769,293,000. For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $6,595,000, to be derived from the GNMA—Guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $6,595,000 may be transferred to and merged with the appropriation for salaries and expenses.

HOMELESS ASSISTANCE

EMERGENCY SHELTER GRANTS PROGRAM

For the emergency shelter grants program, as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, [$71,000,000] *$73,164,000*, to remain available until expended.

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the transitional and supportive housing demonstration program, as authorized under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, $150,000,000, to remain available until expended[: *Provided*, That, notwithstanding any other provision of law, of the foregoing amount, $5,000,000 shall be available for a homeless demonstration project at Luther Place Church in Washington, DC and $4,200,000 shall be available for the New England Shelter for Homeless Veterans in Boston, Massachusetts].

The unexpended balances of the "Transitional housing demonstration program", available from the appropriations enacted in Public Law 99-500 and Public Law 99-591, and the unexpended balances of the "Supportive housing demonstration program", available from the appropriation enacted in Public Law 101-71, shall be added to and merged with amounts available under this heading.

SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS

For grants for supplemental assistance for facilities to assist the homeless as authorized under subtitle D of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, [$57,000,000] *$11,263,000*, notwithstanding section 837(c) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), to remain available until expended.

SECTION 8 MODERATE REHABILITATION SINGLE ROOM OCCUPANCY

For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), for the section 8 moderate rehabilitation program, to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), [$55,000,000] *$105,000,000*, to remain available until expended.

SHELTER PLUS CARE: SECTION 8 MODERATE REHABILITATION, SINGLE ROOM OCCUPANCY

For the Shelter Plus Care: Section 8 moderate rehabilitation, single room occupancy program, as authorized under subtitle F, part III, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, [$50,000,000] *$73,333,000*, to remain available until expended.

SHELTER PLUS CARE: SECTION 202 RENTAL ASSISTANCE

For the Shelter Plus Care: Section 202 rental assistance program, as authorized under subtitle F, part IV, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, $37,200,000, to remain available until expended.

[SHELTER PLUS CARE: HOMELESS RENTAL HOUSING ASSISTANCE

[For the Shelter Plus Care: Homeless rental housing assistance program, as authorized under subtitle F, part II, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, $116,000,000, to remain available until expended.]

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), [$3,265,000,000] *$3,400,000,000*, to remain available until September 30, 1994: *Provided*, That [$32,600,000] *$34,000,000* shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $14,500,000 shall be available for "special purpose grants" pursuant to section 107 of such Act[, and $500,000 shall be available for a grant to demonstrate the feasibility of developing an integrated database system and computer mapping tool for compliance, programming, and evaluation of community development block grants pursuant to section 901 of the Cranston-Gonzalez National Affordable Housing Act of 1990]: *Provided further*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds under section 107(b)(3) of such Act or funds set aside in the following proviso) shall be expanded for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That $5,000,000 shall be made available from the foregoing [$3,265,000,000] *$3,400,000,000* to carry out an early childhood development program under section 222 of the Housing and Urban-Rural Recovery Act of 1983, as amended (12 U.S.C. 1701z-6 note): *Provided further, That $2,000,000 shall be made available from the foregoing $3,400,000,000 to carry out a neighborhood development demonstration under section 915 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): Provided further*, That after September 30, 1991, notwithstanding section 909 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), no funds provided or heretofore provided in this or any other appropriations Act shall be used to establish or supplement a revolving fund under section 104(h) of the Housing and Community Development Act of 1974, as amended.

During fiscal year 1992, total commitments to guarantee loans, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed $140,000,000 of contingent liability for loan principal.

REHABILITATION LOAN FUND

(TRANSFER OF FUNDS)

Notwithstanding section 289(c) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), the assets and liabilities of the revolving fund established by section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), and any collections, including repayments or recaptured amounts, of such fund shall be transferred to and merged with the Revolving Fund (liquidating programs), established pursuant to title II of the Independent Offices Appropriation Act, 1955, as amended (12 U.S.C. 1701g-5), effective October 1, 1991.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, [$29,500,000] *$25,000,000*, to remain available until September 30, 1993[: *Provided*, That $1,000,000 of the foregoing amount shall be available for innovative building technologies research with the Research Center of the National Association of Home Builders].

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, and section 561 of the Hous-

ing and Community Development Act of 1987, $13,000,000, to remain available until September 30, 1993: *Provided*, That not less than $8,000,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, [$744,078,000] *$879,453,000*, of which [$394,609,000] *$435,000,000* shall be provided from the various funds of the Federal Housing Administration: *Provided, That there shall be established, in the Office of the Secretary, an Office of Lead Based Paint Abatement and Poisoning Prevention to be headed by a career Senior Executive Service employee who shall be responsible for all lead-based paint abatement and poisoning prevention activities (including, but not limited to, research, abatement, training regulations and policy development): Provided further, That such office shall be allocated a staffing level of 20 staff years: Provided further, That a qualified industrial hygienist shall be designated for each Department of Housing and Urban Development field office administering assisted housing programs to oversee and coordinate lead paint abatement and poisoning prevention activities of that office: Provided further, That such appointments are to occur within 12 months of enactment of this Act for any office that serves any of the 25 largest public housing agencies and within 18 months for all other field offices of the Department.*

[PERSONAL SERVICES AND TRAVEL, OFFICE OF HOUSING

[(INCLUDING TRANSFER OF FUNDS)

[For personnel compensation and benefits for the headquarters Office of Housing, $55,580,000, of which $37,637,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That not to exceed $1,276,000 of the $55,580,000 herein provided shall be available for travel expenses of the Office of Housing: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, OFFICE OF PUBLIC AND INDIAN HOUSING

[For personnel compensation and benefits for the headquarters Office of Public and Indian Housing, $10,424,000: *Provided*, That not to exceed $491,000 of the $10,424,000 herein provided shall be available for travel expenses of the Office of Public and Indian Housing: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

[For personnel compensation and benefits for the headquarters Office of Community Planning and Development, $17,872,000: *Provided*, That not to exceed $439,000 of the $17,872,000 herein provided shall be available for travel expenses of the Office of Community Planning and Development: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, OFFICE OF POLICY DEVELOPMENT AND RESEARCH

[(INCLUDING TRANSFER OF FUNDS)

[For personnel compensation and benefits for the headquarters Office of Policy Development and Research, $10,705,000: *Provided*, That not to exceed $141,000 of the $10,705,000 herein provided shall be available for travel expenses of the Office of Policy Development and Research: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

[For personnel compensation and benefits for the headquarters Office of Fair Housing and Equal Opportunity, $10,516,000: *Provided*, That not to exceed $377,000 of the $10,516,000 herein provided shall be available for travel expenses of the Office of Fair Housing and Equal Opportunity: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, DEPARTMENTAL MANAGEMENT

[For personnel compensation and benefits for the headquarters budget activity of Departmental Management, $9,293,000: *Provided*, That not to exceed $673,000 of the $9,293,000 herein provided shall be available for travel expenses of the Departmental Management activity: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

[PERSONAL SERVICES AND TRAVEL, OFFICE OF GENERAL COUNSEL

[(INCLUDING TRANSFER OF FUNDS)

[For personnel compensation and benefits for the headquarters Office of General Counsel, $14,985,000, of which $2,754,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That not to exceed $259,000 of the $14,985,000 herein provided shall be available for travel expenses of the Office of General Counsel: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.]

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$43,645,000] *$44,665,000*, of which $9,645,000, shall be transferred from the various funds of the Federal Housing Administration.

ADMINISTRATIVE PROVISIONS

[Notwithstanding any other provision of law or other requirement, the city of Vallejo, California, is authorized to retain any land disposition proceeds or urban renewal grant funds that remain after the financial closeout of the Marina Vista Urban Renewal Project, and to use such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The city of Vallejo shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.]

Notwithstanding any other provision of law or other requirement, the city of New London, Connecticut, is authorized to retain any land disposition proceeds or urban renewal grant funds that remain after the financial closeout of the Shaw's Cove Urban Renewal Project (No. Conn. R-126), and to use such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The city of New London shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.

Notwithstanding any other provision of law or other requirement, the cities of Newburyport and Malden, in Massachusetts, are authorized to retain any categorical settlement grant funds or urban renewal grant funds that remain after the financial closeout of the Central Business Urban Renewal Project (No. MASS-R-80) in the city of Newburyport and the Civic Center Urban Renewal Project (No. MASS-R-118) in the city of Malden, respectively, and to use such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The cities of Newburyport and Malden shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.

Notwithstanding any other provision of law or other requirement, the Housing Authority of the city of Jefferson, in the State of Missouri, is authorized to retain any land disposition proceeds from the financially closed-out Capitol West Urban Renewal Project (Mo. R-45), pursuant to the agreement which permitted the retention of certain proceeds, which agreement was dated August 27, 1982, and to use such proceeds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The Housing Authority of the city of Jefferson City shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such proceeds, including any interest.

The Secretary of Housing and Urban Development shall cancel the indebtedness of the town of Calhoun Falls, South Carolina, relating to the public facilities loan (Project No. SC-16-PFL0061). The town of Calhoun Falls, South Carolina, is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection with such loan.

[During fiscal year 1992, notwithstanding any other provision of law, the number of individuals employed by the Department of Housing and Urban Development in other than "career appointee" positions in the Senior Executive Service shall not exceed 15.

[Section 8(c)(1) of the United States Housing Act of 1937 is amended by inserting after "New York." the following new sentences: "The Secretary shall also establish separate fair market rentals under this paragraph for Monroe County in the Commonwealth of Pennsylvania. In establishing fair market rentals for the remaining portion of the market area in which Monroe County is located,

the Secretary shall establish the fair market rentals as if such portion included Monroe County.".]

Section 801(a) of the Cranston-Gonzalez National Affordable Housing Act is amended in the last sentence of subsection (g)(2) of the amendment to be made (by such section 801(a)) to section 202 of the Housing Act of 1959 by striking "in housing principally serving frail elderly persons".

The last sentence of section 202(g)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(2)) is amended by striking "or a project where the tenants are not principally frail elderly".

[Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following new subsection:

["(p) With respect to amounts available for obligation on or after October 1, 1991, the criteria established under section 213(d)(5)(B) of the Housing and Community Development Act of 1974 for any competition for assistance for new construction, acquisition, or acquisition and rehabilitation of public housing shall give preference to applications for housing to be located in a local market area that has an inadequate supply of housing available for use by very low-income families. The Secretary shall establish criteria for determining that the housing supply of a local market area is inadequate, which shall require—

["(1)(A) information regarding housing market conditions showing that the supply of rental housing affordable by very low-income families is inadequate, taking into account vacancy rates in such housing and other market indicators; and

["(B) evidence that significant numbers of families in the local market area holding certificates and vouchers under section 8 are experiencing significant difficulty in leasing housing meeting program and family-size requirements; or

["(2) evidence that the proposed development would provide increased housing opportunities for minorities or address special housing needs.".]

The Secretary shall cancel the indebtedness of the Sale Creek Utility District in Soddy Daisy, Tennessee, relating to public facilities loan (Project No. TN 40-PFL0071) issued May 1, 1962. The Sale Creek Utility District in Soddy Daisy is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection with such loan.

The Secretary of Housing and Urban Development shall transfer title to the repossessed property known as the Roosevelt Homes Project (No. 074-84006) located in Davenport, Iowa, to a nonprofit organization selected by the city of Davenport. Such property shall be used only for the provision of an integrated program of shelter and social services to the homeless, or for other nonprofit uses, for a period of not less than 20 years following the date of the transfer. Use of the transferred property before the expiration of the 20-year period following the date of the transfer for any purpose other than those described herein shall cause title to revert back to the Secretary of Housing and Urban Development.

Notwithstanding any other provision of law, housing assistance payments in the amount of $896,000 made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144), for project-based assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) for the Ganado Acres project, shall be for a term beginning on December 1, 1989.

Hereafter, notwithstanding any other provision of State or Federal law, regulation or other requirement, any public housing agency or Indian housing authority that purchases any line of insurance from a nonprofit insurance entity, owned and controlled by public housing agencies or Indian housing authorities, and approved by the Secretary, may purchase such insurance without regard to competitive procurement.

Hereafter, the Secretary shall establish standards as set forth herein, by regulation, adopted after notice and comment rulemaking pursuant to the Administrative Procedures Act, which will become effective not later than one year from the effective date of this Act.

Hereafter, in establishing standards for approval of such nonprofit insurance entities, the Secretary shall be assured that such entities have sufficient surplus capital to meet reasonably expected losses, reliable accounting systems, sound actuarial projections, and employees experienced in the insurance industry. The Secretary shall not place restrictions on the investment of funds of any such entity that is regulated by the insurance department of any State that describes the types of investments insurance companies licensed in such State may make. With regard to such entities that are not so regulated, the Secretary shall establish investment guidelines that are comparable to State law regulating the investments of insurance companies.

Hereafter, the Secretary shall not approve additional nonprofit insurance entities until such standards have become final, nor shall the Secretary revoke the approval of any nonprofit insurance entity previously approved by the Department unless for cause and after a due process hearing.

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Department of Housing and Urban Development shall not exceed: (1) 71 staff years for the Immediate Office of the Secretary/Under Secretary, (2) 13 staff years for the Deputy Under Secretary for Field Coordination, (3) 19 staff years for the Office of Public Affairs, (4) 28 staff years for the Office of Legislation and Congressional Relations, (5) 1,068 staff years for the Assistant Secretary for Housing—Federal Housing Commissioner, of which 25 staff years shall be for data management reform and preservation activities only, (6) 207 staff years for the Assistant Secretary for Public and Indian Housing, (7) 275 staff years for the Assistant Secretary for Community Planning and Development, (8) 137 staff years for the Assistant Secretary for Policy Development and Research, (9) 170 staff years for the Assistant Secretary for Fair Housing and Equal Opportunity, and (10) 219 staff years for the Office of General Counsel of which not more than 13 staff years shall be for the Immediate Office of General Counsel: Provided, That no funds may be used from amounts provided in this or any other Act for details of employees from any organization in the Department of Housing and Urban Development to any organization included under the budget activity "Departmental Management."

The Secretary shall establish competitive procedures for the disbursement of the amounts made available under this Act for a scientifically-based risk assessment of lead in public and Indian housing. Such procedures shall not require that applications for financial assistance for the risk assessment of lead be made in connection with the provision of other assistance under section 14 of the United States Housing Act of 1937.

Section 606(c) of the Housing and Community Development Act of 1987 (12 U.S.C. 1715l note) is amended by adding at the end thereof the following new sentence: "The Secretary may apply this 25 percent requirement to all the homes under Nehemiah housing opportunity program or to a phase (approved under subsection (b)) consisting of at least 16 homes.".

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $18,440,000, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further*, That section 509 of the general provisions carried in title V of this Act shall not apply to the funds provided under this heading: *Provided further*, That not more than $125,000 of the private contributions to the Korean War Memorial Fund may be used for administrative support of the Korean War Veterans Memorial Advisory Board including travel by members of the board authorized by the Commission, travel allowances to conform to those provided by Federal Travel regulations.

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

SALARIES AND EXPENSES

For use in establishing and paying the salaries and expenses of the Commission on National and Community Service under subtitle G of title I of the National and Community Service Act of 1990 (Public Law 101-610), $2,000,000, to remain available until September 30, 1993.

PROGRAMS AND ACTIVITIES

For use in carrying out the programs, activities and initiatives under subtitles B through F of title I of the National and Community Service Act of 1990 (Public Law 101-610), $73,000,000, to remain available until September 30, 1993.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, [$40,200,000] *$39,200,000*: *Provided*, That not

more than $395,000 of these funds shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 4051-4091, $9,133,000: *Provided*, That such sum shall be available without regard to section 509 to this Act.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of three passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses; $12,587,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed [$6,000] *$5,000* for official reception and representation expenses; [$1,084,000,000] *$1,029,000,000*: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913): *Provided further*, That of the amount appropriated, $4,951,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes for which that fund is established*: Provided further, That $500,000 of the amount provided under this heading for the Immediate Office of the Administrator shall not become available until the Administrator provides to the Committees on Appropriations the Agency's Strategic Plan.*

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$39,661,000] *$41,200,000*, of which $14,954,000 shall be derived from the Hazardous Substance Superfund trust fund and $623,000 shall be derived from the Leaking Underground Storage Tank Trust Fund.

RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For research and development activities, including procurement of laboratory equipment, supplies, and other operating expenses in support of research and development, [$333,875,000] *$313,000,000*, to remain available until September 30, 1993: *Provided*, That not more than $42,000,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development*; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project*: *Provided further*, That of the amount appropriated, $2,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes for which that fund is established.

ABATEMENT, CONTROL, AND COMPLIANCE

(INCLUDING TRANSFER OF FUNDS)

For abatement, control, and compliance activities, [$1,133,625,000] *$1,142,500,000*, to remain available until September 30, 1993: *Provided*, That up to $2,800,000 shall be available for grants and cooperative agreements to develop and implement asbestos training and accreditation programs: *Provided further*, That of the amount appropriated, $10,982,800 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes for which that fund is established: *Provided further*, That notwithstanding any other provision of law, from funds appropriated under this heading, the Administrator is authorized to make grants to "Federally recognized Indian tribes" on such terms and conditions as he deems appropriate for the development of multimedia environmental programs: *Provided further*, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local, and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949).

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, [$39,700,000] *$18,000,000*, to remain available until expended: *Provided*, [That $6,700,000 of the foregoing amount shall be made available as a grant for a center for neural science to be constructed and owned by New York University: *Provided further*,] That none of the funds previously appropriated to the Environmental Protection Agency for activities pertaining to the proposed Environmental Technology and Engineering Center in Edison, New Jersey shall be expended, except for those funds necessary to investigate alternative laboratory sites*: Provided further, That of amounts previously appropriated under this heading, $6,000,000 shall be available as a grant to the Christopher Columbus Center Development, Inc. for planning and design of the Christopher Columbus Center of Marine Research and Exploration in Baltimore, Maryland.*

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), [$1,630,000,000] *$1,616,228,000*, [to be derived from the Hazardous Substance Superfund,] *consisting of $1,366,228,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101-508*, plus sums recovered on behalf of the Hazardous Substance Superfund in excess of $200,000,000 during fiscal year 1992, with all of such funds to remain available until expended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed [$50,000,000] *$59,500,000* of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1992: *Provided further*, That no more than [$260,000,000] *$180,000,000* of these funds shall be available for administrative expenses[: *Provided further*, That notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall, from funds appropriated under this heading, obligate up to $213,000 for a new pumping station in St. Anthony, Minnesota: *Provided further*, That, notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall, from funds previously appropriated under this heading in Public Law 101-507, obligate up to $5,000,000 for Koppers Texarkana Superfund site relocation].

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, [$85,000,000] *$75,000,000*, to remain available until expended: *Provided*, That no more than $6,400,000 shall be available for administrative expenses.

CONSTRUCTION GRANTS

For necessary expenses to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, [$2,195,000,000] *$2,400,000,000*, to remain available until expended, of which [$1,783,500,000] *$2,383,500,000* shall be for title VI of the Federal Water Pollution Control Act, as amended; *and* $16,500,000 shall be for making grants authorized under section 104(b)(3) of the Federal Water Pollution Control Act, as amended[; $49,000,000 shall be for section 510 of the Water Quality Act of 1987; $300,000,000 shall be for making grants under title II of the Federal Water Pollution Control Act, as amended, to the appropriate instrumentality for the purpose of constructing secondary sewage treatment facilities to serve the following localities, and in the amounts indicated: Boston, Massachusetts, $100,000,000; New York, New York, $70,000,000; Los Angeles, California, $55,000,000; San Diego, California, $40,000,000; and Seattle, Washington, $35,000,000; and notwithstanding any other provision of law, $46,000,000 shall be available for Rouge River National Wet Weather Demonstration Project grants to be awarded by the Administrator, who is authorized to make such grants to Wayne County, Michigan, such grants to be for the construction of sanitary sewers and retention basins, for the repair and maintenance of wastewater treatment plants and collec-

tion systems, and for the investigation of commercial and industrial facilities and storm sewer connections to implement the Rouge River National Demonstration Project for Wet Weather Flows: *Provided further*, That, notwithstanding any other provision of law or any regulatory requirements, the Massachusetts Water Resources Authority may utilize facilities inside or outside the Commonwealth of Massachusetts to meet any technology or marketing backup requirements imposed by the Environmental Protection Agency, the Commonwealth of Massachusetts, or any judicial decree for residuals management. The Massachusetts Water Resources Authority shall not be required to own such management facilities to meet such backup requirements as long as such facilities are under the control of the Massachusetts Water Resources Authority pursuant to a binding enforceable lease, contract, or other legal instrument for the period of time required under the approved residuals management program. Nothing in this paragraph shall relieve the Massachusetts Water Resources Authority of its obligation, pursuant to a preexisting court order, to maintain its ownership and control of a site within the Commonwealth of Massachusetts for potential use as a backup residuals management facility, except that the development of such land for a backup facility is not required prior to selection of a final site for such a facility by the Landfill Siting Commission appointed by the Governor of the Commonwealth of Massachusetts or January 1, 1992, whichever first occurs. Any facility used by the Massachusetts Water Resources Authority for residuals management shall meet all applicable Federal and State environmental requirements].

ADMINISTRATIVE [PROVISION] *PROVISIONS*

[During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Environmental Protection Agency shall not exceed: (1) 46 workyears for the Immediate Office of the Administrator, (2) 50 workyears for the Office of Congressional and Legislative Affairs, (3) 77 workyears for the Office of Communications and Public Affairs, (4) 187 workyears for the Office of General Counsel, (5) 61 workyears for the Office of International Activities, (6) 32 workyears for the Office of Federal Activities, (7) 285 workyears for the Office of Policy, Planning, and Evaluation, and (8) 1,386 workyears for the Office of Administration and Resources Management.]

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Environmental Protection Agency shall not exceed: (1) 72 workyears for the Immediate Office of the Administrator, (2) 50 workyears for the Office of Congressional and Legislative Affairs, (3) 77 workyears for the Office of Communications and Public Affairs, (4) 187 workyears for the Office of General Counsel, (5) 32 workyears for the Office of Federal Activities, (6) 259 workyears for the Office of Policy, Planning, and Evaluation, and (7) 1,386 workyears for the Office of Administration and Resources Management.

The Administrator of the Environmental Protection Agency shall move, within sixty days of enactment of this Act, the pollution prevention activities and workyears associated with the Office of Pollution Prevention from the Office of Policy, Planning, and Evaluation to the Office of the Administrator.

LEAD ABATEMENT TRAINING AND CERTIFICATION

Not later than twelve months after the date of enactment of this Act, the Administrator of EPA shall, in consultation with the Secretary of Labor, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) promulgate final regulations governing lead-based paint abatement activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited; that contractors engaged in such activities are certified; and that laboratories engaged in testing for substances that may contain lead-based paint are certified.

TRAINING GRANTS

Grants for training and education of workers who are or may directly be engaged in lead-based paint abatement activities shall be administered by the Environmental Protection Agency. Such grants shall be awarded to non-profit organizations engaged in lead-based paint abatement activities with demonstrated experience in implementing and operating worker health and safety lead-based paint abatement training and education programs and with a demonstrated ability to reach and involve in lead-based paint training programs target populations of workers who are or will be directly engaged in lead-based paint abatement activities. Grants shall be awarded only to those organizations which fund at least 30 percent of their lead-based paint abatement training programs from non-Federal sources, excluding in-kind contributions.

DEFINITION

For purposes of the immediately preceding two paragraphs, lead-based paint abatement activities means activities engaged in by workers, supervisors, contractors, inspectors, and planners who are engaged in the removal, disposal, handling, inspection, and transportation of lead-based paint and materials containing lead-based paint from public and private dwellings, public and commercial buildings, bridges, and other structures or superstructures where lead-based paint presents or may present an unreasonable risk to health or the environment.

The Administrator shall maintain a facility within the Environmental Protection Agency to conduct biological testing of pesticides.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed [$1,000] *$750* for official reception and representation expenses, and hire of passenger motor vehicles, $2,560,000.

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, including services as authorized by 5 U.S.C. 3109; $1,491,000, of which not to exceed $1,000 may be for official reception and representation expenses: *Provided*, That the National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, [$3,880,000] *$9,410,000*: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

POINTS OF LIGHT FOUNDATION

For necessary expenses for carrying out title III of the National and Community Service Act of 1990 (Public Law 101-610), relating to The Points of Light Foundation's promotion of social problem solving through voluntary community service, $7,500,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $185,000,000, of which not to exceed $541,000 may be transferred to the disaster assistance direct loan program account for subsidies for direct loans provided under section 319 of such Act, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Funds provided to this account are available to subsidize gross obligations for the principal amount of direct loans not to exceed $6,000,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; [$165,113,000] *$163,113,000*.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$3,600,000] *$5,144,000*.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, [$277,827,000] *$285,827,000*.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $134,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended: *Provided*, That total administrative costs shall not exceed three and

one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(TRANSFERS OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, $12,874,000 shall, upon enactment of this Act, be transferred to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and $45,023,000 shall, upon enactment of the Act, be transferred to the "Emergency management planning and assistance" appropriation for flood plain management activities, including $4,720,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), which amount shall be available until September 30, 1993. In fiscal year 1992, no funds in excess of (1) $32,000,000 for operating expenses, (2) $208,276,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

[NATIONAL INSURANCE DEVELOPMENT FUND

[Notwithstanding section 520(b) of the National Housing Act (12 U.S.C. 1735d(b)), effective October 1, 1991, any indebtedness of the Director of the Federal Emergency Management Agency resulting from the Director or the Secretary of Housing and Urban Development borrowing sums under such section before the date of the enactment of this Act to carry out title XII of the National Housing Act shall be canceled, the Director shall not be obligated to repay such sums or any interest thereon, and no further interest shall accrue on such sums.]

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $1,944,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $5,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1992 shall not exceed $2,285,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1992 in excess of $5,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $2,103,000: *Provided, That the appropriations, revenues, and collections deposited into the fund shall be available for necessary expenses of United States Office of Consumer Affairs activities in the aggregate amount of $3,203,000. Administrative expenses of the United States Office of Consumer Affairs in fiscal year 1992 shall not exceed $1,100,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1992 in excess of $3,203,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.*

INTERAGENCY COUNCIL ON THE HOMELESS

SALARIES AND EXPENSES

For necessary expenses of the Interagency Council on the Homeless, not otherwise provided for, as authorized by title II of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311–11319), as amended, $1,083,000, to remain available until [expended] *September 30, 1993*: *Provided*, That the Council shall carry out its duties in the 10 standard Federal regions under section 203(a)(4) of such Act only through detail, on a non-reimbursable basis, of employees of the departments and agencies represented on the Council pursuant to section 202(a) of such Act.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; [$6,023,600,000] *$6,549,000,000*, to remain available until September 30, 1993*: Provided, That no funds appropriated by this Act or any other Act with respect to any fiscal year may be used to enter into contracts of the National Aeronautics and Space Administration for the Cassini Mission if the estimated total budget authority for development of the spacecraft, through launch plus 30 days exceeds $1,300,000,000.*

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for, in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; [$5,157,075,000] *$4,907,000,000*, to remain available until September 30, 1993, of which $32,674,796 shall be used only for the purpose of payment, to the Federal Financing Bank, for the Tracking and Data Relay Satellite System (TDRSS) loan: *Provided*, That such payment shall constitute settlement of all amounts owed on said loan.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, [$497,900,000] *$525,000,000*, to remain available until September 30, 1994: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further*, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further*, That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities*: Provided further, That of the funds appropriated under this heading, $6,000,000 shall be available to continue the construction, equipping, and integration of a Classroom of the Future on the campus of Wheeling Jesuit College; $3,400,000 shall be available for planning and design for facilities in support of the Consortium for International Earth Science Information Networks (CIESIN); $10,000,000 shall be available to West Virginia University for an independent software validation and verification facility; $10,000,000 for construction and equiping a new space dynamics lab at Utah State University; $13,500,000 shall be available for construction of integrated facilities to support the National Technology Transfer Center; and $20,000,000 shall be available for construction and outfitting of the Christopher Columbus Center of Marine Research and Exploration.*

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902); awards, lease, hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $200,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; [$2,211,900,000] *$2,342,300,000*: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed $35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$10,500,000] *$14,600,000*.

ADMINISTRATIVE PROVISIONS

No amount appropriated to the National Aeronautics and Space Administration in this or any other Act *with respect to any fiscal year* may be used to fund grants, contracts or other agreements with an expected duration of more than one year, when a primary effect of the grant, contract, or agreement is to

provide a guaranteed customer base for or establish an anchor tenancy in new commercial space hardware or services unless an appropriations Act specifies the new commercial space hardware or services to be developed or used, or the grant, contract, or agreement is otherwise identified in such Act[: *Provided*, That the Administrator may authorize such a grant, contract, or agreement if he determines, in consultation with the Committees on Appropriations, that deferral of such action until enactment of the next appropriations Act would be inconsistent with the interest of the Nation].

[Income derived from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund may be used to award fellowships to selected United States nationals who are undergraduate students pursuing a course of study leading to certified teaching degrees in elementary education or in secondary education in mathematics, science or technology disciplines.

[Funds provided in this Act for the National Aeronautics and Space Administration, shall be used for the same amounts, purposes, and programs as are provided for fiscal year 1991 under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101-507).]

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the National Aeronautics and Space Administration shall not exceed: (1) 50 staff years for the Office of the Administrator; (2) 201 staff years for the Headquarters Operations; (3) 50 staff years for the Office of Commercial Programs; (4) 42 staff years for the Office of General Counsel; (5) 195 staff years for Agency Management; (6) 82 staff years for the Office of External Relations; (7) 33 staff years for the Office of Legislative Affairs; (8) 259 staff years for the Office of Space Science and Applications; (9) 160 staff years for the Office of Aeronautics, Explorations, and Space Technology; (10) 272 staff years for the Office of Space Flight, including Level I activity for the Space Station; (11) 62 staff years for the Office of Space Operations: Provided, That no funds may be used from amounts provided in this or any other Act for details of employees from any organization in the National Aeronautics and Space Administration to any organization included under the budget activity "Research and Program Management".

NATIONAL COMMISSION ON FINANCIAL INSTITUTION REFORM, RECOVERY, AND ENFORCEMENT

SALARIES AND EXPENSES

To carry out the provisions of subtitle F, title XXV, of the Crime Control Act of 1990, $1,000,000, to remain available until expended.

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

SALARIES AND EXPENSES

For necessary expenses of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, in carrying out their functions under title VI of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, 103 Stat. 1987, 2052) $500,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1992, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1992 shall not exceed $964,000.

[NATIONAL INSTITUTE OF BUILDING SCIENCES

[PAYMENT TO THE NATIONAL INSTITUTE OF BUILDING SCIENCES

[For payment to the National Institute of Building Sciences, $250,000.]

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; [$1,960,500,000] *$1,926,000,000*, to remain available until September 30, 1993: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

[ACADEMIC RESEARCH FACILITIES

[For necessary expenses in carrying out an academic research facilities program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $20,000,000, to remain available until September 30, 1993.]

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For necessary expenses in carrying out an academic research facilities and instrumentation program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $46,000,000, to remain available until September 30, 1993.

UNITED STATES ANTARCTIC RESEARCH ACTIVITIES

For necessary expenses in carrying out the research and operational support for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; improvement of environmental practices and enhancements of safety; services as authorized by 5 U.S.C. 3109; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; [$118,000,000] *$78,000,000*, to remain available until expended: *Provided*, That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further, That no funds in this account shall be used for the purchase of aircraft other than ones transferred from other Federal agencies.*

UNITED STATES ANTARCTIC LOGISTICAL SUPPORT ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in reimbursing Federal agencies for logistical and other related activities for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance, and operation of aircraft and purchase of flight services for research and operations support; improvement of environmental practices and enhancements of safety; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed [$75,000,000] *$10,000,000*, to remain available until expended: *Provided*, That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further, That up to $9,000,000 may be transferred to and merged with funds made available under "United States Antarctic Research Activities".*

EDUCATION AND HUMAN RESOURCES ACTIVITIES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, [$435,000,000] *$465,000,000*, to remain available until September 30, 1993: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $6,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; [$109,000,000] *$117,000,000, to remain available until September 30, 1993: Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1992 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further, That section 14(a)(3) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1873(a)(3)), is amended by striking the words "and when less than".*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$3,300,000] *$3,500,000*.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), [$26,900,000] *$36,900,000: Provided, That of the new budget authority provided herein, $10,000,000 shall be for the purpose of providing local neighborhood revitalization organizations revolving homeownership lending capital, and equity capital*

for affordable lower-income rental and mutual housing association projects, to remain available until September 30, 1996: Provided further, That the $10,000,000 shall be available for obligation to Neighborhood Reinvestment Corporation in quarterly payments of $625,000 beginning with September 1 of fiscal year 1992.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $27,480,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States: *Provided further*, That notwithstanding the provisions of 50 U.S.C. App. 460(g), none of the funds appropriated by this Act may be obligated in connection with the preparation of more than one report each year to the Congress covering the operation of the Selective Service System.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1992 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL DEPOSIT INSURANCE CORPORATION

FSLIC RESOLUTION FUND

For payment of expenditures, in fiscal year 1992, of the FSLIC Resolution Fund, for which other funds available to the FSLIC Resolution Fund as authorized by Public Law 101–73 are insufficient, [$15,899,000,000] *$15,867,000,000*.

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,328,000.

TITLE V—GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; to site-related travel under the Solid Waste Disposal Act, as amended; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS–18, unless specifically authorized by law.

SEC. 509. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to any part of the appropriations contained in this Act for Offices of Inspector General personnel compensation and benefits.

SEC. 510. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 511. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 512. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 513. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 514. None of the funds provided in this Act to any department or agency shall be ob-

ligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 515. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

[SEC. 516. None of the funds appropriated in title II of this Act, or otherwise available to the Department of Housing and Urban Development, shall be used for first class travel of any Department official or employee unless required by medical necessity or on airplane flights longer than seven hours.]

SEC. 516. None of the funds appropriated, or otherwise made available by this Act, shall be used for first class travel.

SEC. 517. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000, unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 518. (a) The Resolution Trust Corporation ("Corporation") shall report to the Congress at least once a month on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements described in such section. The report shall describe, for each such agreement, the review that has been conducted and the action that has been taken, if any, to rescind or to restructure, modify, or renegotiate the agreement. In describing the action taken, the Corporation is not required to provide detailed information regarding an ongoing investigation or negotiation. The Corporation shall exercise any and all legal rights to restructure, modify, renegotiate or rescind such agreement, notwithstanding any other provision of law, where the savings would be realized.

(b) To expend any appropriated funds for the purpose of restructuring, modifying, or renegotiating the agreements described in subsection (a), the Corporation shall certify to the Congress, for each such agreement, the following:

(1) the Corporation has completed its review of the agreement, as required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act;

(2)(A) at the time of certification, in the opinion of the Corporation and based upon the information available to it, there is insufficient evidence or other indication of fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for the rescission of the agreement; or

(B) at the time of certification, the Corporation finds that there may be sufficient evidence to provide a legal basis for the rescission of the assistance agreement, but the Corporation determines that it may be in the best interest of the Government to restructure, modify or renegotiate the assistance agreement; and

(3) the Corporation has or will promptly exercise any and all legal rights to modify, renegotiate, or restructure the agreement where savings would be realized by such actions.

[SEC. 519. None of the funds appropriated in this Act shall be used to implement the provisions of Public Law 101-576.]

SEC. [520] *519.* (a) Section 622A(c) of title 38, United States Code, is amended by striking "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

(b) Section 8013(e) of the Omnibus Reconciliation Act of 1990 (Public Law 101-508) is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

(c) The amount provided in this Act for "Medical care" for the Department of Veterans Affairs is hereby increased by $90,000,000, to be available only for procurement of medical equipment.

(d) Subsections (a), (b), and (c) shall not take effect if the amount provided in this Act for "Medical care" for the Department of Veterans Affairs is less than $13,462,000,000, plus reimbursements.

SEC. 520. Section 1396r-8 of title 42 is amended—

(a) by adding to subparagraph (c)(1)(C), within the first parenthetical, after "Government", "and further excluding prices to the Department of Veterans Affairs, and prices on contracts administered by VA"; and

(b) by adding after subparagraph (c)(4)(B), a new subparagraph (c)(5), providing that "All rebates payable hereunder by manufacturers to State medical assistance plans shall be calculated without reference to the price for any drug to the VA, and prices on contracts administered by VA."

SEC. 521. All funds appropriated under the heading "Commission on national and community service" in the paragraphs entitled "Salaries and expenses" and "Programs and activities" in Public Law 101-507 are hereby rescinded.

SEC. 522. For an additional amount for fiscal year 1991, to be available upon enactment, for "Commission on national and community service", "Salaries and expenses" for use in establishing and paying the salaries and expenses of the Commission on National and Community Service under subtitle G of title I of the National and Community Service Act of 1990 (Public Law 101-610), $2,000,000, to remain available until September 30, 1992.

SEC. 523. For an additional amount for fiscal year 1991, to be available upon enactment, for "Commission on national and community service", "Programs and activities" for use in carrying out the programs, activities, and initiatives under subtitles B through F of title I of the National and Community Service Act of 1990 (Public Law 101-610), $55,000,000, to remain available until September 30, 1992.

SEC. 524. Notwithstanding any provision of this Act, none of the funds appropriated or otherwise made available by the Act or by any other act may be used to move Federal Housing and Urban Development offices from downtown Jacksonville, Florida, (as defined by the Downtown Development Authority of Jacksonville) or to finance the operation of Federal Housing and Urban Development offices in any area of Jacksonville, Florida, other than the downtown area (as defined by the Downtown Development Authority of Jacksonville).

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992".

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

PRIVILEGE OF THE FLOOR—H.R. 2519

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Paul Bryant, Tom Spence, Sarah Linstead, and Paul Brubaker be accorded the privilege of the floor during consideration of H.R. 2519.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I am proud to present to the Senate the fiscal year 1992 appropriations bill for the Departments of Veterans Affairs, and Housing and Urban Development, and 24 independent agencies, offices, and commissions within the Federal Government

This legislation would appropriate almost $81 billion in budget authority and $82.4 billion in outlays among these 26 agencies. As a result, this bill is within our 602(b) allocation for both budget authority and outlays.

This has been, without a doubt, the toughest year I have faced as a subcommittee chair. We have faced some of the greatest pressures among the various agencies in the bill. Our task was compounded by two factors. First, despite a heroic effort by our full committee chairman, our 602(b) allocation was more $1 billion below the President's budget request. Second, we received almost 1,400 member requests, totaling about $41 billion, for various items and programs in the bill. This represents a jump of almost 40 percent in the number and cost of member requests over fiscal year 1991.

Despite these challenges, I believe that the bill now before the Senate, reported by the Appropriations Committee without dissent, is a strong and balanced piece of legislation. It takes into account the need to weigh the competing interests funded in the bill very carefully. It meets our commitments to those who have served our Nation proudly, and to those in need, without forsaking our commitment to the frontiers of tomorrow in science, space, and technology.

There are a number of my colleagues who have been extremely helpful in shaping this legislation. First, and foremost, our distinguished full committee chairman, Senator ROBERT C. BYRD. In addition, I want to give a special note of gratitude to the subcommittee's ranking member, the distinguished senior Senator from Utah, Senator JAKE GARN. His help in drafting this legislation has been absolutely essential.

What then, are the milestones in this bill?

First, we maintain our commitment to veterans.

The bill contains a medical care appropriation above the House level, with a growth of more than 10 percent above last year. In fact, the increase for medical care, about $1.3 billion above 1991, is an increase three times the size provided for all of NASA.

In addition, our appropriation for general operating expenses for the VA also exceed the level proposed by the House, and represents a 10-percent growth over 1991 levels.

We put our money into making sure that veterans' commitment to health care is met, as well as prompt service in the application of benefits and also in the area of cemeteries, to make sure that they are preserved in a way that meets the dignity of the nature of its mission.

Second, we maintain our pledge to the President and to our country's future in space.

The bill contains full funding for space station freedom and a 10-percent increase for space science.

The core of NASA is preserved, as are all existing major science projects, with the exception of the CRAF portion of CRAF-Cassini. We have trimmed in virtually all areas requested to keep NASA's total to a $430 million increase over last year.

However, I think Members will find in the bill before them, the balance between manned and unmanned space activities which has been the hallmark of the VA-HUD subcommittee under my stewardship.

To those who continue to oppose the space station as too costly—and I know we will have a robust debate on that—I only ask them to look at the facts. The redesign which the committee ordered last year cut $8 billion out of the program between now and the year 2000. In addition, the redesign capped the outyear development costs of the station so that they would peak at $2.6 billion in real dollars by the middle of this decade.

I know anybody who heard that sentence did not understand it. But that is OK. What it says is that we have put disciplines within the costs of the space station without forsaking important scientific missions.

Finally, I ask them to compare the allocation to the space station versus other scientific activities. The space station does grow by 6 percent, but space science grows by 10 percent, and the National Science Foundation, which is the heart of our Nation's basic research effort, grows by 14 percent. So to say that the space station will take a lot of our resources is not accurate, and I think the numbers show it.

Third, in housing, a great pressing need, we have kept our pledge to start both the HOME endeavor and the HOPE endeavor. To ordinary people watching this on TV or reading the CONGRESSIONAL RECORD, they will say it is another acronym. HOME stands for providing innovative opportunities to State and local governments to create housing for the needy and home ownership opportunity. HOPE is an initiative by the administration, again, to create home ownership both through public housing initiatives as well as other properties. It is a homesteading initiative. We have done that. So they are not really just words and money. They are opportunities representing both parties' thinking.

This bill provides an increase above the House and other housing and community development programs: The community development block grant program, public housing modernization, Indian housing development and elderly housing development. This bill provides these increases in part by using prior year carryover funds of almost $600 million already appropriated to HUD.

In addition, we are using $1.2 billion in funds that was unspent in the 202 elderly housing progam. This windfall occurs not because we have cut housing for the elderly, but because we have converted it from a loan program to a grant program and can use these innovative rollovers. In fact, this bill increases elderly and handicapped housing by 83 percent above the budget request and 60 percent above the House level.

Mr. President, the other area that I am going to talk about is in the area of the environment. We are providing a 10-percent increase for EPA. We are not providing a 10-percent increase in just an agency. We are providing money so that States and local governments, again, can meet their responsibility.

This bill includes $2.4 billion for construction grants, $500 million above the budget request. A construction grant is sewage treatment.

I spent part of my recess actually going out to look at sewage treatment programs, ordinary men and women who take a lot of the waste materials generated by our society and purify it, and cleanse it so that when it goes into the Chesapeake Bay, we are not polluting the bay. Two million dollars in construction grants mean that we can meet growth in communities and be able to, at the same time, protect our environment.

Very often the biggest polluters are people just in the normal activities of daily living. Sewage treatment grants are an important part of environmental protection.

In addition, the committee restores funds for asbestos abatement. We want to get the asbestos out of the schools and have the money so we can put the teachers back in. We also take care of nonpoint source pollution cleanup that is so important.

Then we come to the National Science Foundation. We have a 14-percent increase there and a 44-percent increase in math and science education.

I think that both Senator GARN and I would say that this is an extraordinary accomplishment. It enables us to do high-quality research, make sure we do not lose ground in the area of science and, at the same time, make sure our teachers are fit for duty for the 21st century.

I think that is quite a bill to bring before the U.S. Senate. I know that there will be others who will offer amendments and debate. But I hope that we will pass the bill with a minimum of amendments.

I think, given the challenges that we face, I think we have met them. But the challenges are not just do we meet the test or responsibilities of an appropriations subcommittee, but will we meet the test of time, will we meet the test of scrutiny, have we made public investments in America's future, and do we have public actions that say thank you, that preserve the very democracy which we cherish? The bill we bring before the U.S. Senate, I believe, does that.

UNANIMOUS-CONSENT AGREEMENT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the committee amendments be agreed to, en bloc, and that the bill, as thus amended, be regarded for the purpose of amendment as original text, provided no point of order under rule XVI shall have been considered to have been waived if the request is agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I yield the floor and look forward to hearing the remarks of Senator GARN.

The PRESIDING OFFICER. The Senator from Utah is recognized.

The committee amendments were agreed to en bloc.

Mr. GARN. Mr. President, at the outset, I want to express my respect and admiration to the Chair, and to her staff, for the truly remarkable job that they have done in the preparation of this bill. Given the impossible budgetary constraints imposed on our subcommittee, and the tremendous demand for funding of programs within our jurisdiction, there was no way to fully satisfy all the demands placed on us. All we could expect is a balance, and the measure before us does achieve that goal.

The measure recommended by the Appropriations Committee reflects a very thorough and skillful assessment of each agency and program within the subcommittee's jurisdiction. This is no mean feat since this bill is the largest domestic discretionary spending measure with nearly one-third of the overall Federal total. Moreover, activities within the subcommittee's jurisdiction represent the most diverse, and disparate, array of activities: from maintenance of American battle monuments

overseas to the Consumer Product Safety Commission and Selective Service System. We have expensive programs like veterans activities and HUD housing, and small inexpensive ones like the new $500,000 Commission on Native American, Alaska Native, and Native Hawaiian Housing. Funded within the bill is a Federal court, for veterans appeals, the wide-ranging regulatory activities of the Environmental Protection Agency, and also the President's Points of Light Foundation.

I consider it a remarkable feat just to keep all these agencies straight, let alone in a reasonable and clear perspective. But the real feat here is that within very onerous budgetary constraints, the committee has been able to structure a bill which allocates funding among this collection of agencies in a fair and balanced manner. It is a dramatic improvement over the version which passed the House, and I strongly recommend swift and favorable action by the Senate.

The Senator from Maryland has already summarized the recommendations of our committee so I would just like to take a moment to highlight one aspect of the pending measure which I feel very strongly about: investing in science, space, and technology for our Nation's future.

The enormous diversity in the bill, and the competition for scarce funding highlights the difficulty in restoring a balance in our committee's recommendations between the burgeoning demand for social service needs like veterans medical care and low-income housing assistance and what this Nation must invest in to prepare our society for the economic challenges of the next decade and century. No one in this Chamber will say that we should shirk our debt to those who fought in our Nation's wars of the past, and few would say that we must pare back on assisting the homeless and needy that we see on our streets today. But there are several who are comfortable saying that tomorrow will take care of itself.

They are content to simply take potshots at individual programs in NASA and the National Science Foundation which, if killed, will temporarily free up some money to satisfy immediate demands for current social spending. Individually, they are vulnerable since no one program can claim to dominate all critical investment in research and development which will yield the technologies and the trained work force to keep our economy strong through our childrens' generation and beyond. But this mentality is dangerous, because its all to easy to pick away at our overall program of research and development funding, one program at a time, to fund other items which command our immediate political attention. One or two this year. Then next year, a couple more, and again a few more the next until we find that we are not investing anything at all for our future needs.

I trust the Senate has enough foresight to examine the measure before us and see that it reflects a balance, and that this balance needs to be sustained not only this year, but into the future.

Again, I would like to follow on what the distinguished chair of the subcommittee has said. She mentioned that this was the most difficult budget year since she has become subcommittee chairman. That certainly is true. I would say beyond that, it is the most difficult year in the 15 years that I have served on this subcommittee.

I think that is fair to note, although each subcommittee chairman and ranking minority member probably comes before this Senate and says that we have not received a fair allocation. But all you have to do is look at the allocations over the last few years for this particular subcommittee, Veterans, HUD and Independent Agencies, and you will find that each year we are receiving a lesser percentage of the total allocated to the Appropriations Committee than we did the year before.

Certainly, that is not true of some other subcommittees, so our overall allocation has been reduced compared to the overall budget last year, and that is why I believe it is particularly noteworthy that the job the chairman and her staff have done on this bill is so commendable, because it does reflect a balance between all these very different needs within the subcommittee's jurisdiction. It is much better than the House. Although certainly all of our colleagues have the right to offer amendments, and I expect we will have to deal with some, I hope that we not disturb this balance between the very different areas this subcommittee jurisdiction covers.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I only ask that the quorum call be rescinded to encourage those Senators who wish to participate in a discussion on VA-HUD to come forth and bring their statements, or, to encourage Senators who have amendments they would like to offer—to improve the bill or to bring certain public policy considerations like the funding of the space station—to bring them to the Senate floor. I ask the Senators to bring their amendments to the floor at this time.

I make this request so that we can efficiently use the Senate's time, No. 1, and I think it would really expedite the debate. Also, I think debate during the daylight will be fresh, it will be invigorating, and it will enable a large majority of the American people to watch the Senate at work.

I encourage those who have those amendments not to bring them at happy hour time. It will not make me happy to have to wait until 4 o'clock for amendments. The hour is now.

For those Senators who wish to offer amendments, this is it. Or for those who think we have done a good job, it would be wonderful if they would come and talk about what we have done in housing and environment. If they think we have not done a good job, let us bring it out, let us talk about it. We are supposed to be the greatest deliberative body in the world. We put a lot of work into this legislation along with our Republican counterparts. If the Senators do have something to say, I would like to hear it. Most of all, I would like to hear it before 2 o'clock, or maybe 2:10.

Having said that, I will be back. I now note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, while we are waiting for Senators to bring their amendments to the floor, there are certain aspects of the appropriations that I would like to amplify. One is, I would like to talk about the issue of veterans and veterans medical care.

In my opening statement, I outlined the way we had increased veterans medical care substantially. But I want to have the veterans of the United States of America, in either the current war that has just ended or previous wars, to know the United States Senate is absolutely on their side when it comes to quality assurance activities.

I know most Americans and veterans watched TV shows during the past year about veterans medical care, and it painted a sorry picture in a few hospitals of lackluster performance, careful attention to the feeding, and activities associated with rehabilitation.

I want the veterans to know, No. 1, we really looked into that, and that we had very stern words with the appropriate administrative staff responsible for that.

Mr. President, we have 187 veterans hospitals around the United States of America, and most of them are more than fit for duty. They have excellent staff; they have dedicated people who are willing to even go the extra mile to look out for those men and women who have cared for the country.

But then there have been those where I would say there has been sloppy administration, not really taken care properly, or taking care of the details that they should.

In this legislation, I mandate the VA secretary to come up with a plan for quality assurance reforms. We not only told them to come up with a plan, we allocated $15 million to make sure we have quality assurance. We want our veterans' hospitals to be as fit for duty as the veterans were themselves when they went into combat and suffered those wounds of war.

So my legislation will provide for additional site inspection by a VA medical inspector who will go out and make surprise visits and so on, to make sure there is appropriate nursing staff, that the clinical laboratories are functioning at a quality level. We are also developing a quality checklist for evaluating hospital performance.

Mr. President, can you believe, there was no specific checklist for every single hospital to meet; each 187 was kind of operating out there on its own.

We are also going to improve resource allocation planning for the management of each hospital. We are also developing and mandating a plan to better manage the prosthetic backlog. When I heard about the backlog facing our veterans for their need for prosthetic devices, that was an unacceptable level.

Any backlog is unacceptable, but to suffer the wounds of war—and I do not have to elaborate on this for our Presiding Officer—and not be able to have access to the technological improvements we have made in limbs, to have to wait in line for that, no, that was unacceptable. That is part of our quality assurance.

We are also developing guidelines for disciplining a negligent physician, including instances where removal might be necessary. These are few and far between, but we have to have the same strict standards as our community-based hospitals. So I want the veterans to know that we have in here a very strong quality assurance program.

Another thing that came to our attention was the condition of some of our national cemeteries. Well, cemeteries, to this Senator, are a sacred place of ground. They are the final resting place, and in this case final resting place for America's heroes. So we have not only funded adequately, I believe, the national cemetery system, but it came to my attention that because we did not have the cemetery funds specifically fenced, there was a raid on cemetery money by the VA, and the money went into other little pockets.

When we put our money into making sure the veterans cemeteries are well cared for, they are not meant to go into a bureaucracy. We put in a new accounting system. I know it sounds a little nerdy to talk like that, but we have put a fence around it so that the money we put in for the cemetery system goes for the maintenance of this very sacred ground for our veterans.

So, Mr. President, those are some of the kinds of things we haved done, and as the afternoon goes on, I will be able to elaborate on other aspects of the bill.

Again, waiting for amendments from the Senators, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDITIONING MFN TO CHINA

Mr. BAUCUS. Mr. President, last week the House of Representatives considered the issue of extending most-favored-nation trading status to China.

The House voted 223 to 204 to immediately deny China MFN status. Immediately afterward, the House voted 313 to 112 to put a number of foreign policy conditions on an extension of MFN to China beyond this year.

Apparently, a number of House Members felt that it was a mistake to cut off MFN status to China, but that putting conditions on MFN was an acceptable compromise.

Mr. President, I deeply believe that is an unfounded judgment. In fact, both the conditional MFN bill passed by the House and that pending in the Senate are tantamount to terminating MFN for China.

The House bill imposes some 14 conditions on extending MFN to China. The conditions range from releasing political prisoners to stopping forced abortions to stopping missile sales.

The Senate bill imposes virtually all of the same conditions and adds additional conditions on trade and support for the Khmer Rouge.

I support the objectives of each of the conditions in both bills. China's actions have been egregious in all of those areas. But we cannot hope to resolve every concern we have with China on the back of most-favored-nation trading status.

No nation in the world is even remotely considering revoking MFN. Let me repeat that, Mr. President: No country in the world is even remotely considering revoking MFN with China. In the same vein, no nation is likely to fundamentally reshape its foreign and domestic policy in order to retain MFN. That is particularly true with regard to China.

The current generation of hardline Chinese leaders only reluctantly tolerate economic ties with the West. As a group of Chinese dissidents who visited my office last week pointed out, the economic ties with the West actually strengthen the hands of their reform-minded rivals and undermine the hardliners control of the Chinese economy.

Putting new conditions on MFN for China would allow the hardliners to claim that trade with the West had allowed a foothold for United States "imperialism."

As recent press reports have indicated, the Chinese Government's propaganda machine is decrying United States efforts to interfere in Chinese domestic affairs by imposing conditions on MFN. Just last week, a Chinese Government propagandist argued that the entire Chinese democracy movement was inspired by Western counterrevolutionaries.

These and other signs led the Chinese who visited me to argue that the hardliners would seize upon the United States imposing conditions on MFN as an excuse to stop trade with the United States.

At the very least, they are extremely unlikely to take steps that they see as endangering their hold on power, such as releasing political prisoners, in order to retain MFN.

Generally speaking, the United States should be very cautious about using trade policy to promote U.S. foreign policy objectives.

As we learned during the Soviet grain embargo, United States trade sanctions—especially unilateral sanctions—almost never end up hurting the country they are aimed at as much as they hurt us.

Our allies—Japan, Germany, and Britain—simply do not believe in sacrificing their commercial interests for foreign policy objectives. That is why they are not even considering revoking MFN with China.

In this case, no other nation is contemplating withdrawing or imposing unattainable conditions. In fact, the leaders of Japan and Britain plan to visit China in the next few weeks.

If we withdraw or unacceptably condition MFN, our allies will continue to trade with China. Thus, China will not be hurt. The only losers will be the United States.

During debate on the 1988 Trade Act, the Congress declared that it was finally time to stop using trade as the handmaiden of foreign policy. It was finally time to recognize that commercial interests in America are as important as foreign policy objectives.

Unfortunately, we have not lived up to our rhetoric. Again we find ourselves ready to use trade policy in vain amount to achieve foreign policy objectives with regard to China.

Mr. President, if we do so, we will once again repeat the unfortunate experience with the Soviet grain embargo.

There is no disagreement as to our goals. We all are concerned about China's blatant abuse of human rights, its weapons sales, and its unfair trade practices.

But if we attempt to address these concerns by revoking MFN, history will demonstrate that we will fail, and we will be hurting ourselves because we will not be taking a concerted effort in joining with other countries in the world to encourage China to do the things that China must do.

If MFN were only the option with China I would vote to condition MFN. But they are not our only options.

Instead of once again employing trade sanctions to achieve foreign policy objectives, we should use foreign policy tools to achieve foreign policy objectives. For example, we could use the leverage gained from China's need for loans from the World Bank to press for improved human rights in China. And we could use our trade policy tools, such as section 301, to address our trade concerns.

I have been working with the administration for several weeks to develop such a package of carefully chosen rifleshot initiatives to address our concerns with China. These initiatives will be unveiled in the next few days.

I believe this approach of using trade policy tools to achieve trade policy objectives, and foreign policy tools to achieve foreign policy objectives, will prove far superior to addressing all of our concerns on the back of MFN.

In closing, Mr. President, I am looking very closely at the administration's response. If the administration in its response to me and to the Senate does not indicate that it is taking sufficiently aggressive actions to address human rights, transfer of technology sales, slave labor, products made by slave labor, and trade policy objectives, then I will be one of the first to state that I think the administration response is ineffective and insufficient, and I would reluctantly vote to condition MFN extension accordingly.

I very much hope that we, however, as a country, as a people, move forward and use the tools we have available to us so that we not only maintain our commercial interests with China but more importantly effectively encourage China to address the abuses it has undertaken so far.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Chinese Intellectual of Another Stripe."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHINESE INTELLECTUAL OF ANOTHER STRIPE

(By Lena H. Sun)

BEIJING.—One of China's leading propagandists for Premier Li Peng's hard-line policies got unusual exposure today, meeting with foreign reporters here.

He Xin, considered to be a favored adviser to Li, also may well be the most hated intellectual in China—who received death threats in the mail.

He came to public attention as the first Chinese intellectual to support the government's crackdown in Tiananmen Square. He quickly captured the attention of Beijing's leaders. Within months, his view that Western countries are trying to subvert China's political system began to receive unprecedented prominence in the official press.

At his press conference, He Xin (pronounced Huh Shin) struck a combative tone, accusing journalists of spreading lies and rumors about him, and dodged question after question, referring instead to this published voluminous writings.

"Some people are opposed to my views, therefore they began to curse me, and the result came out to be that it helped me to establish my fame," he said.

The 42-year-old scholar has depicted the United States as an enemy nation bent on destroying China's Communist system and replacing it with capitalism and has found eager audiences among party conservatives. Chinese leaders apparently believe that He Xin's theories will also blunt Western criticism of China.

He Xin argues that Western nations, especially the United States, supported China's 1989 democracy movement in an effort to weaken and divide China so that the United States would become the world's undisputed superpower.

"The United States has spent a lot of money on cultural and ideological infiltration,' He Xin has said, and "supported certain intellectuals in an anti-system movement in the name of 'democracy.' In the minds of some Chinese, the United States is so perfect, so strong that it looks almost like a god."

He also argues that democracy would bring about the same kind of chaos and factional violence that wrecked the country during the radical Cultural Revolution of 1966–1976.

A former Red Guard, He Xin is a self-taught scholar who dropped out of college after a few months. Yet he managed to win a college teaching job and entry into the Chinese Academy of Social Sciences.

He currently works at the academy's Institute of Literature, where he is shunned by most of those holding much more liberal views. The author of dozens of articles and books, including works on archaeology and the cult of the dragon. He Xin is accused by many social scientists of plagiarism.

Some Chinese intellectuals and Western diplomats feel particularly uncomfortable about He Xin, saying his arguments might carry more weight since he is an academic, he is young and he is not a Communist Party member.

Most Chinese intellectuals are said to feel he is a traitor and political opportunist, particularly because much of the repression after the June 4 army crackdown has been targeted at the intelligentsia.

He Xin's theories mesh well with the view among more conservative elders, who echo Mao Zedong's dictate that China should be more self-reliant and less dependent on the West, Chinese intellectuals say.

He was once considered a relatively obscure liberal who advocated replacement of socialist planning by a free-market economy. But his willingness to change his political colors and embrace and defend the current leadership, which all but a few Chinese intellectuals condemn, has brought him notoriety and growing political influence.

He has acknowledged that he attended a high-level meeting presided over by Li and offered advice to the leadership on how to deal with student protesters two days before the Chinese military violently seized Tiananmen Square in 1989.

Washington Post staff writer Daniel Southerland reported from Washington:

A glimpse of the kind of analysis that is seriously considered behind closed doors by Communist Party officials was provided recently by an internal party document designed for restricted circulation among high-ranking Chinese officials.

The document was obtained from Chinese dissident academics in exile. It is consistent with He Xin's publicly stated views, but goes much further in directly attacking the United States than commentaries normally made available to the Chinese public.

The document confirms that a conservative grouping of Chinese officials and their supporters view the United States with extreme suspicion. In the view of U.S. government analysts, if Washington were to withdraw most-favored-nation trading status for China, it would simply confirm to such hardliners their view that the Americans are trying to destroy China's current system of government.

With regard to He Xin, a Bush administration official once described him as "the McCarthy of this period" in China, because of his intolerence of other views and his sharp published attacks on his opponents.

According to He Xin, the U.S. government from 1984 to 1989 sought "to subvert the present government of China and overthrow its system."

"The U.S. did this in a very clever way," the document says. "First, it did all this under the banner of friendship and cooperation, supporting democracy and human rights. Second, it did it with the help of internal forces in Chinese society."

He Xin argues that the "true strategy" of the United States was revealed from the time of the student demonstration that erupted in the spring of 1989, when, in his view, it became U.S. policy to cause trouble in China, destroy the political and economic infrastructure, and bring about the country's disintegration. This strategy, He Xin contends, was made possible by the collapse of the Soviet threat to the United States, which made China no longer important as a partner of the United States in countering the Soviets.

He Xin alleges that the United States uses a variety of methods to carry out its plot to destroy the Chinese Communist system and to make China "subservient" to the United States, including attempts to "buy" Chinese talent by bribing and employing the sons and daughters of high-ranking Chinese officials.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, SUNDRY INDEPENDENT AGENCIES, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATION ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. GARN. Mr. President, I note for my colleagues, or their staffs who are listening, once again we are faced with what seems to have become the norm around the Senate. The distinguished chairperson of the Subcommittee on HUD and Independent Agencies is here to deal with an important appropriations bill. It is 2:20 in the afternoon. We know there are some amendments. Yet no Senators have appeared to offer their amendments.

I think I know what will happen. Around 8:00 tonight, everybody will be milling around the floor, complaining about the majority leader and why we are in session into the evening.

I suggest we realize it is not the majority leader's fault or the Republican leader's fault if we will not come to the floor to do our work. So I encourage our colleagues who may have amendments. If they do not, I am not encouraging amendments. I am just suggesting, if there are any, they come over and work in the middle of the afternoon.

I realize the C-SPAN audience is not as big this time of day as it is in the evening. I understand all of that. But, on the other hand, I will be on the floor, as will the distinguished Senator from Maryland, and we will not tolerate any complaints about a late-night session tonight. We will defend the leadership on their attempts to get this or other bills moving. But the major reason we stay around here until 9 or 10 o'clock at night is because our colleagues on this, or other bills, simply will not come to the floor.

I hope if there are amendments they would come and we not have to stay late into the evening trying to deal with this legislation at 6 or 7 or 9 o'clock. If I had my way, we would simply go to third reading. Maybe that would stimulate some of our colleagues to come over, if they thought the bill was going to pass by voice vote in the next 10 or 15 minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I may proceed as if morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGING THE GUARD AT THE INTERNATIONAL RESCUE COMMITTEE

Mr. PELL. Mr. President, for generations the world's refugees have looked to the International Rescue Committee [IRC] for encouragement and support as they face the daunting challenge of leaving their homeland and finding asylum abroad.

The International Rescue Committee was founded by Albert Einstein in 1933 to come to the aid of refugees from Nazi-threatened Europe. Its first chairman was the great theologian Reinhold Niebuhr. When Dr. Niebuhr stepped aside as chairman his place was taken by Leo Cherne, a distinguished economist and the founder and president of the Research Institute of America. That was more than 40 years ago, and in that time the IRC has grown in international stature and fame. While many people in this country and abroad have joined with IRC in carrying out its humanitarian mission, it was Leo Cherne whose voice and intellect provided the inspiration that made the IRC the organization it is today.

In the past I have proposed to the Nobel Peace Prize Committee in Oslo, Norway, that they should consider the IRC for this highest of international honors. It would have been a recognition fully merited, a recognition of selfless, often unsung, work by hundreds, even thousands of volunteers and supporters; a recognition of those like Carel Sternberg and Robert DeVecchi who continue to lead the staff of the organization in meeting its difficult challenges. And it would have been a recognition of the long-enduring chairmanship of Leo Cherne.

On a personal note, it is among my proudest memories that in 1956, I represented the IRC in Austria at the time of the Hungarian refugee crisis, and I subsequently served as a vice president of the organization. Through the years I have looked to Leo Cherne as the keeper of the moral compass that points us in the right direction when it comes to helping refugees.

Leo Cherne has informed the Board of the International Rescue Committee that he wished to step aside as chairman. As a man who devoted much of his life to helping the world's oppressed, he has truly earned his passage. The IRC Board responded to his decision by electing him chairman emeritus. I want to join in honoring and congratulating Leo Cherne for a job well done.

If it was possible to find a worthy successor for Leo Cherne, the IRC has accomplished this by electing John Whitehead as its new chairman. John Whitehead had earlier enlisted with the IRC and had planned to make this a major part of his life following his successful career in the New York financial world. Then George Shultz tapped him to serve as his Deputy Secretary of State. So his election now as chairman of the IRC is in a sense coming full circle, a homecoming to an organization that I know has long been close to John's heart.

I am delighted to note also the appointment as IRC Vice Chairman of Winston Lord, our former Ambassador to China who has been so helpful in sharing his thoughts about that country and our relationship with it in his meetings with the Foreign Relations Committee. He will be a worthy partner for John Whitehead.

As we pay tribute to Leo Cherne it is reassuring that his shoes will be so well filled.

I ask unanimous consent that an article from the July 15 Washington Times describing Leo Cherne's many achievements and honors be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 15, 1991]

A MAN WHO WOULD RESCUE THE WORLD

(By Helle Bering-Jensen)

Inside a small yellowing envelope with Vietnamese characters scribbled on its front is a tiny piece of shrapnel, about the size of a quarter. Leo Cherne keeps it in his desk, no matter where he might be.

"They removed this from the stomach of a 12-year-old South Vietnamese boy," says Mr. Cherne, who at 79 is one of the world's great humanitarians. "I had him brought to the hospital, and I thought he would bleed to death."

After American doctors told him the boy would live, Mr. Cherne headed out to the markets of Saigon to look for supplies for the boy's remote village. It had been cut off by the Viet Cong, which also had grabbed every scrap of food.

"I found a small shop where I purchased 5,000 pounds of these slimy little fish, drove them to the airport and piled them by hand into a helicopter," he says. Mr. Cherne also provided a supply of noucmam sauce, an absolute must for a Vietnamese fish dinner.

Then, having brought the supplies to the village, he almost got blown to bits by a land mine. All in a day's work.

This grim memento from 1966 is just one of the many that surround Mr. Cherne in his office on New York's Park Avenue—reminders of a life in refugee work going back more than a half-century. On Sept. 1, Mr. Cherne will step down from the chairmanship of the International Rescue Committee, a post he has held for nearly four decades.

Under his direction, it has grown into the largest non-religious relief organization in the United States, one with some 3,000 employees around the world and a budget of more than $40 million.

In the famine-stricken Horn of Africa, among the millions of Afghans in camps in Pakistan, among the hundreds of thousands mired in the camps of Indochina, the International Rescue Committee works to provide relief and, for some 10,000 people a year, passage and visas to the United States. Most recently, the IRC was one of the first relief agencies to send teams of nurses and doctors to help the Kurds on the Iraqi-Turkish border.

Since Mr. Cherne joined the organization in 1946 and became chairman of its board in

1951, he has achieved legendary status in the world of international relief work. Match the humanitarian passion of an Albert Schweitzer with the swashbuckling resourcefulness of an Indiana Jones, and you get someone not unlike Mr. Cherne, a man equally capable of addressing a Senate hearing, racing refugees across borders hidden in the trunk of his car or bargaining over life and death with guerrilla leaders.

"Although he has never held elected office, Mr. Cherne has had more influence on governmental policy than many members of Congress," noted Ronald Reagan when he awarded Mr. Cherne the Presidential Medal of Freedom, the country's highest civilian award, in 1984. Sen. Daniel Patrick Moynihan has called him "for 40 years one of the best-kept secrets of American foreign policy."

An adviser to presidents from Franklin Roosevelt to Reagan, honorary chairman of Freedom House (the New York-based human rights group), chairman of the Foreign Intelligence Advisory Board under Gerald Ford and vice chairman under Mr. Reagan, a noted economist and forecaster of business trends for 50 years, Mr. Cherne is a multimillionaire and a true Renaissance man. He has composed more than 100 songs, including the hit "I'll Never Forget," which debuted on Dec. 7, 1941. He is also a sculptor whose works line the walls in his office.

"I think the secret is always to do what you really want," Mr. Cherne says, and for him the International Rescue Commission comes first. "It is the most rewarding kind of work you can think of because you get to see the results."

One of Mr. Cherne's most remarkable talents, says IRC Executive Director Robert DeVecchi, is his ability to connect with a wide range of people. "Over the years, Leo has been the glue that holds all this together," he says. "Almost everybody on the board has a personal relationship with Leo that they consider very important if not downright sacred."

A quick scan of the IRC board reveals, among others, Sens. Mark Hatfield and Claiborne Pell, Rabbi Marc Tanenbaum, Henry Kissinger, Cambodian refugee Dith Pran and president of the American Federation of Teachers Albert Shanker. Nobel laureate Elie Wiesel and actress Liv Ullmann serve as the organization's international vice presidents.

NEW YORK TO TOKYO

Born in the Bronx in 1912, the son of Russian-Jewish immigrants, Mr. Cherne found his first job in show business as a member of the Metropolitan Opera's children's choir. "It was 50 cents a rehearsal, a dollar a dress rehearsal and $2.50 a performance," he recalls.

Other of his youthful pursuits included seamanship with the New York and Cuba Mail and Steamship Co. and journalism for the Daily Mail and the Bronx Home News, investigating the lethal substances being served in the Prohibition-era speakeasies. In 1935 he settled on a more permanent career path with his graduation from New York Law School, an offshoot of the Columbia University Law School.

Soon afterward he answered an advertisement for a new tax research enterprise grandly named the Research Institute of America by founder Carl Hovgard, who had just spent his life savings, all of $750, to get it started. Under the directorship of this duo—"the Kansas farm boy and the dead-end kid" as one news report called them—the business grew rapidly, developing a reputation for accurate economic analysis and predictions.

In 1938 Franklin Roosevelt asked the whiz kid outfit to help draft a plan for the country's industrial mobilization in the event of war, and after World War II, President Harry S Truman drew on Mr. Cherne for aid in assessing the needs of postwar Germany. In the Pacific, Gen. Douglas MacArthur asked Mr. Cherne to develop a tax plan for the redistribution of wealth in Japan to create a large and stable middle class to be the foundation of Japan's fledgling democratic structure.

When, in 1954, he was hit with a case of acute fatigue and admonished by his doctors to relax, he took to sculpture instead. A bust of Albert Schweitzer was his first work, now in the collection of the Smithsonian Institution. Untrained, Mr. Cherne was not hampered by conventional methods. One artist complimented him on the figure's hair, remarking that he had achieved a realistic combed look. "But that is just what I used," exclaimed Mr. Cherne, "a comb!"

The busts that today line the walls of his New York office include Eleanor Roosevelt, John F. Kennedy, Lyndon Johnson and Abraham Lincoln. He is quite proud of a small porcelain replica of his Lincoln bust that sits on the coffee table. "It's a forgery," he says, "I love it, made in Japan."

Eventually, however, time pressures forced him to give up sculpting in the late 1970s. Music fell by the wayside too, but for a different reason. "It dawned on me that writing love songs is not a very reputable activity for someone who advises presidents," he says.

Nor, perhaps, for someone who spends his life saving the lives of others. The IRC has, as he himself puts it, Mr. Cherne's fingerprints all over it. "Enthusiasm is really the word that describes the spirit that Mr. Cherne brings to the organization," says executive director Robert DeVecchi, "enthusiasm that defies any sort of bureaucratic attitude."

THE WINDS OF WAR

The organization itself dates back to 1933, when physicist Albert Einstein, theologian Reinhold Niebuhr and philosopher John Dewey got together to form a committee to help those fleeing Germany after Hitler's power grab. At first refugees were a trickle. Soon they became a torrent. With the Hitler-Stalin Nonaggression Pact of 1939, it was evident that the immediate threat to human life came from the communists as well as the fascists.

As Hitler devoured Europe "course by course," as Winston Churchill put it, masses of refugees were sent across Europe, mostly ending up in France, which became a giant man-trap when the Germans invaded it in 1940.

The IRC's agent in Marseilles, France, at the time was Varian Fry, a young literary editor from New York who managed to spirit out some 2,000 European artists and intellectuals, marching them across the Pyrenees into Spain.

Since World War II the organization has been dedicated, as Mr. Cherne puts it, to helping those who flee "dictatorships on the right, dictatorships on the left, and dictatorship of the nuts"—Uganda's Idi Amin is an example of the last.

Communist dictatorships have produced by far the lion's share. "The refugee rate is communism's fever chart," wrote Aaron Levenstein in 1983 in "Escape to Freedom," his history of the organization. Of the some 14 million refugees in the world today, communist regimes have sent the most on the run, from Afghanistan, Ethiopa, Mozambique, Angola, Laos, Cambodia and Vietnam.

When the Soviets invaded Hungary in 1956, Mr. Cherne flew to Vienna, Austria, with $200,000 worth of donated medical supplies, which he drove across the border to Hungarian resistance forces. The IRC raised nearly $2.5 million to help the thousands of Hungarians who had fled their homeless.

That trip provided one of Mr. Cherne's most vivid memories—carrying 25 loaves of bread to the headquarters of the long-suppressed trade union movement. "A delegation of members came down the stairs in single file, and they each took a loaf of bread and carried it upstairs in single file," he recalls. "It simply was unbelievably moving."

In 1968, Mr. Cherne and then-IRC President William Casey traveled to Czechoslovakia to assess the situation as Warsaw Pact tanks rolled into the country. They were finally stopped outside Bratislava. While Mr. Cherne tried to communicate with the Soviet soldiers, none of whom spoke any English, the future director of the CIA remained seated in the back of the car and read a novel.

"How can you just sit there reading?" Mr. Cherne asked. "Can you think of anything more useful I can do?" Mr. Casey replied. Finally the two were permitted to drive back to Vienna.

SAVING THE MIGRANTS

In recent years the mission of the IRC has changed from being a mainly European resettlement agency to being a worldwide relief organization geared toward the mass migration of refugees.

In the wake of the Vietnam War, the International Rescue Committee was largely responsible for calling attention to the mounting refugee problems in the Far East—the hundreds of thousands of fleeing Cambodians who were crowding into Thailand and the million-plus Vietnamese boat people, whom Western countries and agencies have tended to treat as "economic migrants" and therefore ineligible for asylum. Ominously, Hitler used the same term to brand Jews fleeing the Nazi regime.

The IRC today operates the Joint Voluntary Agency in coordination with the U.S. Embassy in Thailand, processing refugees from Vietnam, Cambodia and Laos who pass through on their way to the United States. Had it not been for the public pleadings of Mr. Cherne and civil rights leader Bayard Rustin, through their Citizens Commission on Indochinese Refugees, the already belated American response to the crisis in 1980 might have been delayed even longer.

In the late 1970s the IRC was one of the few groups to challenge the apologists for the new regimes in Indochina. In articles in the now-defunct Washington Star, Mr. Cherne wrote about the horrors and starvation created first by the Khmer Rouge and then by the invading Vietnamese armies. Leftists, Noam Chomsky among them, accused Mr. Cherne of slandering a progressive revolution. Far from being in the millions, deaths were at most in the thousands, Mr. Chomsky asserted, and he questioned the ideology of those who thought otherwise.

GLITTERATI TO THE RESCUE

One of Mr. Cherne's most effective stratagems for attracting world attention to the tragedy on the Thai-Cambodian border, where thousands of starving Cambodians and Laotians were trapped, was the March for Survival.

The marchers confronted the Vietnamese occupation forces. "We had 30 trucks filled

with food and doctors and nurses," Mr. Cherne says. "But the Vietnamese prevented us from getting through, and so I organized a march with writers, political people, the widest spread of intellectuals, to go to the Cambodian border of Thailand with trucks and bullhorns."

Joan Baez was there, as was Elie Wiesel, and Soviet dissident Alexander Ginzburg, who had just come off the plane from the Soviet Union and had not even had a chance to change his clothes. Even though the marchers never did persuade the Vietnamese border guards to let them through, they did manage to attract the attention of the world news media.

Among the participants was Liv Ullmann, doyenne of the Swedish cinema, who had been an important part of the IRC ever since. Only weeks before, she had handed Mr. Cherne a $200,000 check from artists involved in Broadway theater. She had politely told him that if there was ever anything else she could do to please let her know, "not expecting," says Mr. Cherne gleefully, "that I would call two weeks later and say Are you ready to go to Cambodia?'"

As John Whitehead, who will assume the chairmanship of the IRC when Mr. Cherne steps down, says, "He has a real passion for the cause of human freedom." And he has never taken no for an answer.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, SUNDRY INDEPENDENT AGENCIES, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATION ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2519, the VA-HUD-independent agencies appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $6,000 and its 602(b) outlays allocation by $10.4 million.

I compliment the distinguished manager of the bill, Senator MIKULSKI and the distinguished ranking member of the VA-HUD Subcommittee, SenatorGARN on all their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the VA-HUD appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2519

VA, HUD, IA SUBCOMMITTEE—SPENDING TOTALS

[In billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2519		
New budget authority and outlays	81.0	42.5
Enacted to date	0	39.9
Adjustment to conform mandatory programs to resolution assumptions	.3	.6
Scorekeeping adjustments	0	0
Bill total	81.3	83.0
Senate 602(b) allocation	81.3	83.0
Total difference		
Discretionary:		
Domestic	63.6	61.4
Senate 602(b)	63.6	61.4
Difference		
International	0	0
Senate 602(b)	0	0
Difference	0	0
Defense	.3	.3
Senate 602(b)	.3	.3
Difference		
Total discretionary spending	64.0	61.7
Mandatory spending	17.3	21.3
Mandatory allocation	17.3	21.3
Difference	0	0
Discretionary total above (+) or below (−):		
President's request	−1.2	−.8
Senate-passed bill	NA	NA
House-passed bill	.1	.2

Mr. BUMPERS. Mr. President, the amendment is in the final stages of drafting. We changed it ever so slightly. So I will just commence the debate, and the amendment will be here momentarily. It is essentially the amendment I have discussed before.

But, without getting into the technical part of the amendment, which is rather irrelevant to the debate, we will just, with the indulgence of the distinguished floor managers, start talking about this issue which, for the first time since it was first conceived in 1984, is on the front burner.

I do not think the front burner is really hot yet and I have no illusions about what the outcome of the debate is going to be or what the outcome on this issue is going to be.

But completely aside from that, the fact that this particular project, the space station, called Space Station Freedom, enjoys considerable popularity across the country is because it has never been debated. I have also been a benign, passive supporter of the space station. It was not something that was any of my committee's jurisdiction, and I assumed that somebody knew what they were talking about when they conjured up the idea of putting a space platform in orbit.

My wife loves to say she used to be content to go to the flower shows and, in fact, she used to be a judge at the flower shows, and put flowers on the church altar every Sunday morning, went religiously to PTA meetings, and assumed everybody in Washington knew what they were doing, and was taking care of her business. After she had been here for a short while, she decided nobody has ever been as disillusioned as she was when she got here and found out that nobody was taking care of her business, according to her.

I think you can put the space station in the same category. If you walk down the streets of any city in America and I say, "How do you feel about the space station?" You say, "Well, it is OK." "What do you know about it?" "Well, not much. I understand it is something they are going to put in orbit. The President says he will veto any bill that does not have the space station, so it must really be important."

"Could you tell me what you expect to get out of the space station?" "Well, not really, except we are a leader in space. I sure would hate to lose that leadership."

But ask Members of the U.S. Senate—not the people on the streets, of Main Street America—ask any U.S. Senator what the payback of the space station is, and I promise you, there are not 10 who could even struggle through an attempted answer: I have heard they are going to do medical research. I have heard we are going to study material science, and all kinds of things that you can do at zero gravity, or what scientists call microgravity, the kinds of research that you have to have gravity to do. That is a common layman's perception, and that is the perception of 90 percent of the Members of this body.

So even though I am most certainly going to lose on this amendment, the debate has to begin and the people of this country have to be made aware that we are not talking about a beanbag. We are talking about a project that was conceived in 1984 at a cost of $8 billion and with eight rationales, eight specific missions to be carried out.

Today, in the year of our Lord 1991, we find, according to GAO, that the cost is now $30 billion for the hardware, $10 billion more for the payload, and a life cycle cost of $118 billion.

Let us go back to 1984 and come forward to 1991, and in 7 short years, a 300-percent increase for the hardware, and it is not off the drawing boards.

Mr. President, I fought a lot of losing battles in the Senate. It does not bother me as long as I am on the side of the angels. I can take some comfort in the fact that I did my best, and go home and tell my people that I am one of the people who is actually concerned about the deficit. I do not just pay lip service to it. I am voting for some things around here that will actually address the problem.

I do not want to get too far afield on the costs, but I thought it was really prophetic that the Washington Post yesterday morning almost juxtaposed the new deficit projection of $348 billion for 1992—is that not change? I just

let that $348 billion roll off my tongue like that. That is over twice as much just projected for next year; over twice as much in 1 year as all the 4 years of Jimmy Carter's deficits, and he got kicked out of office because he could not balance the budget.

It is so huge, so mammoth, so staggering, we do not even talk about it anymore. And there has developed a mentality in the U.S. Cognress and in the White House that when you are looking at a $348 billion deficit in 1 year, you might as well go ahead and do everything you want to do, because you cannot address a deficit of that size anyway.

But here we are starting out with $8 billion in 1984. Nobody questioned it; eight missions, seven of which have been scrubbed. Seven of the eight original rationales for the lab, for the space lab, have been scrubbed. We are now down to one, life sciences, which is essentially to study the effects on astronauts for long periods in space. If we ever go to Mars, it will be nice to know. This life cycle cost over a 30-year period, which GAO says is $118 billion—there is a House study group that says the life cycle cost will be $200 billion.

One of the reasons I am not dismayed about my chances of adopting this amendment today is it took me 5 years to kill the Clinch River breeder reactor. That was back when I first came to the Senate, and I ultimately had to take on one of the giants of the Senate, Howard Baker, who was majority leader. As a matter of fact, I think the only reason I finally won that maybe is because Howard announced he was not going to run again, and the people on his side decided they could vote however they wanted.

But who in this body, after all the money we spent on the breeder reactor, who in this body would want to resurrect that turkey? And for 5 long years, I stood right here and called it a turkey and lost, until one day everybody decided it really was a bad idea and we were able to kill it.

Mr. President, there is not any question about our ability to throw this space lab into space. We can build it. We have already built one. We built Skylab. Do you remember that? We built Skylab, which stayed up there for about 5 years. We manned it from time to time, not constantly, and ultimately it fell. It came down and burned up in the atmosphere.

The Russians have one up there right now called Mir. I bet Mikhail Gorbachev could not tell us one single experiment they have covered in that space lab that anybody could even relate to.

So we can do it. The question that we are debating on this amendment is, should we? If the answer to that is yes, the next question is, when? And then the question that is, at what cost?

Last Thursday, I was in Appropriations Committee meetings all day long. Among other things Betty Bumpers got me interested in as Governor, later as Senator, is childhood immunizations. So I have always tried to be the Senate leader in making sure that the children of this country are immunized against all preventable childhood diseases.

We know we have to give an extra shot of measles. We know we have to give our children hepatitis B shots. We know we have to give alpha influenza shots. All of that is going to cost a lot more money. We need $20 million more. We are up to about $260 million on the program right now. We need another $20 million if we are going to stop children from dying of measles. We had 89 die last year of measles. If you eliminate the soldiers we lost in Desert Storm to friendly fire, we lost as many children last year to measles as we lost people in combat in Desert Storm. And we need another, as we say around here, "measly" $20 million, and we cannot find it, Mr. President. In a budget of the Labor and Human Resources Subcommittee, with a $175 billion budget, we cannot find the extra $20 million we need that will mean the difference between life and death for some children. And yet here is a project that is going to cost $2 billion just for next year, and when this body gets through defeating this amendment and agrees to the committee position to put over $2 billion into this program, we will have appropriated precisely the $8 billion that this whole project was originally supposed to cost, and it will still be on the drawing board and not one piece of hardware will have been manufactured.

My interest was initially raised in this, Mr. President, because of the cost. Last year at about this time I engaged the distinguished Senator, my good friend from Maryland, Senator MIKULSKI, in a little colloquy about this cost when we were debating the same appropriations bill. She told me it had started out at $18 billion and was then up to, I believe she said, $32 billion. That got my attention. Anything that has gone up 300 percent in cost and is still on the drawing board gets my attention.

While these costs have been soaring, Mr. President, the benefit from the space station has been declining.

But the second reason I really became interested this year was because I have a great interest in the WIC Program—women, infants, and children—that provides a diet of high protein for a poor pregnant mother who, if she does not get a protein diet, is going to have a defective baby and then we can spend a couple million dollars on that child for the rest of its life.

I am interested in the maternal and child health program because we do a lot of things with that money in Arkansas. But one of the main things we do, of course, is what we call crippled children's clinics. And a program that I have a great interest in and personally I think is the biggest bang for the buck the U.S. Government gets is the so-called Meals on Wheels and congregate meals for our elderly.

Mr. President, I come from a little town. When I ran for Governor, we had about 1,500 people. We are up to 2,200 or 2,300 people now. We have one of those little senior citizens centers and 40 to 100 people go there at noon for meals. Last year we almost had to shut down dozens of centers just like that in my State because we did not have the money, and we had to start calling on those people to kick in 50 cents for their meal, many of them living on veteran's disability or veteran's pension that their husbands left them or a small Social Security payment. Fifty cents may sound like a pittance to this crowd, but if you are trying to get by on SSI, it is a lot. And this year we could not even begin to fund that program at the level we wanted.

Finally, Mr. President, there are the National Institutes of Health. On the other side of my amendment, you will hear arguments made today that we are going to do medical research and that somehow or other we may even find a cure for cancer or AIDS. I am not going to give you all the quotes that I have heard on that from people who know a lot more about it than I do, but as one of the premier scientists of this country said, when people start talking to you about the medical research that is going to be done on this, it is pure hype.

I will wait until others have had a chance to speak before I get into more detail on how you are not going to get any medical research benefits out of the space station.

Dr. Pinsius, head of Bell Laboratories, one of the most prestigious scientific organizations in America, said the only thing that he could think of we had ever gotten out of the space program from a research standpoint was the ability to do explosive welding on aluminum. Aluminum is a very difficult product to weld, and we did in fact learn how to do what they call explosive welding out of the space program. And another Nobel laureate physicist congratulated Dr. Pinsius on being able to name one thing.

Mr. President, there is not any question but that when it comes to building the space hardware, there have been some technologies. There have been some technologies that have had good civilian spinoffs. But that has been in the technological part of manufacturing the shuttle and the satellites. It has not been because of any research we did in space.

Mr. President, there is one other reason I became interested in this thing last year and more recently, and that is—and this ought to weigh heavily with every Senator—virtually every single scientific organization in America is opposed, not to a space lab, not

to the space station, but to these astronomical costs we are looking at to build a space station which they insist we do not need in order to do the kind of life science projects we propose.

Indeed, my amendment does not torpedo all the money for the space station. It leaves money to do some basic research and to seek less expensive alternatives.

If by some magic I should prevail, we have to go to conference with the House which has funded the space station at almost full level, about $1.9 billion. So there is going to be money for a space station. There is going to be money for research on a space station.

But we do not need to embark with this monster which is going to have an insatiable monetary appetite. And if the cost was $8 billion in 1984 and is already in 7 short years up to $30 billion and $40 billion, counting the payload, I leave it to your imagination as to what the actual cost is going to be by 1999. I leave it to your imagination as to what the last cycle cost, estimated at between $118 and $200 billion is going to be.

Mr. President, Senator HEFLIN, my good friend from Alabama, has more than a passing interest in this amendment. I understand that. If I were sitting where Senator HEFLIN and Senator SHELBY are sitting I am honest enough to tell you I would be sitting on the other side of this amendment. If the State of Arkansas was going to get a $14.51 per person return just out of next year's appropriation and Lord only knows what it will be in the out years—if the State of Arkansas was going to get $14-plus for every dollar that they put into the space station, I would be sitting where they are sitting.

But I want to remind all my colleagues that while there are indeed about 21, 22, or 23 States who have contracts for some part of the space station, there are only 5 States—repeat, there are only 5 States—who will get back more in dollars for jobs and contracts on the space station than they pay income taxes for.

That bears repeating about 10 times because we all understand those very meritorious projects that the Federal Government puts in our States as opposed to those boondoggles in those other States.

But I am not being, shall I say, hypocritical about this. I understand precisely why some of these Senators are going to have to vote against this amendment. It is big money, and it is big jobs in their States. But I would like to say that not all of the Senators vote for this amendment because they think it is a high priority with the American people, because it is not. We are all for space. We are all for NASA.

Who has not gotten tears in their eyes when Neil Armstrong landed on the Moon? Who has not wept bitterly when the *Challenger* exploded? Who has not gotten tears in their eyes when our very own hero seated right here, came to the Senate with me, one of the finest men I have ever known in my life, JOHN GLENN, came back from space? Of course I am for NASA. Of course I am for the space program. But that is not what this debate is all about.

I believe it was the president of the American Physical Society which, incidentally, is 40,000 physicists in this country who oppose this thing, just as the Institute of Electrical and Electronic Engineers, 300,000 of them, oppose this. The National Science Foundation—you go through the list, everybody opposes it. But they oppose it because there is no payback. We are not going to get any medical research out of it, as well as any other medical research. As I was about to say, I think it was the president of the American Physical Society who said apparently we have come to believe that if we just throw something up there that costs $40 billion, surely something good will come of it.

As for how the American people feel about it, here is a poll. Politicians live and breath by these things. When allocating Federal funds, the public overwhelmingly supports medical research as a top priority. Fifty-nine percent of the American public had that as No. 1 on their list—research to improve health care and find cures.

Twenty-five percent list environmental research to reduce pollution as their No. 1 priority.

Nine percent say they favor research to use energy more efficiently, and where do you think space is? Four percent.

Mr. President, I am chairman of the Small Business Committee. We talk endlessly about what we are going to do for small business. In the hearings I hold over there, I am always finding that so many great things in this country have come from small business, and so many of the great findings in this country come from small research. I think it goes without saying that one of the reasons the National Physical Society opposes this is because they know it is going to sweep up all of the research money. They know it is not going to have any scientific payback. It is simply an engineering feat. We are going to throw the space lab up there for the same reason a man climbed the mountain—because it was there.

When it comes to small research, I sit on another subcommittee of appropriations called Labor and Human Resources, that also has the budget for the National Institutes of Health. Do you want to know where scientific advancement in this country is made in health care? It is made by all of those thousands of grants that NIH puts out each year to medical schools, private physicians, to do medical research.

You think about finding the cause and cure of Lyme's disease for a total cost of $1.5 million in five or six grants. Lyme's disease in my part of the country is a deadly serious business, and it saves between $5 and $20 million a year. Yet, Mr. President, last Thursday while I was looking for that $20 million I described a moment ago to try to provide for childhood immunization for children of this country so they will not die of measles or liver cancer later on, we were at the same time appropriating money to the National Institutes of Health. And we were not appropriating nearly enough money to them. Here is the chart. But I will give it to you.

In 1970, the National Institutes of Health to whom we look for virtually all medical research—cancer, AIDS, rheumatoid arthritis, heart, you name it, the most magnificent medical facilities in the world right here within spitting distance of where I sit. In 1970, they gave grants to 70 percent of all the applications they received for medical research grants—70 percent of the ones they considered to be meritorious.

Would you like to take a stab at how many they funded last year? Twenty-four percent. It is true, we are spending more money on research right now than we did in 1970, but if you factor the inflation rate in, it is not nearly as great. In 1989, 1988, they were able to hand out 6,800 grants. Last year, they were able to do 4,400. People are clamoring for help with cancer, AIDS, heart disease, all of those orphan diseases that you hear about periodically.

People who favor the space station say, like I say, if you send it up there, maybe something good will happen. Mr. President, if you are going to put out a fire, you ought to spray the hose right at the fire, not hook up a sprinkler and hope a few drops will hit the fire and ultimately put it out. If you want to do medical research, NIH is the place to do it.

Here is a quote from a supporter of the space station, Jerry Gray, director of science and technology policy for the American Institute for Aeronautics and Astronautics:

> It is a popular misconception that Freedom's—
>
> That is the space station—
>
> main job is to do just science; it is not. A space station is not needed exclusively or even primarily for science.

I could go on with this argument about growing crystals, which most scientists say is nonsense.

Mr. President, under the budget agreement that was reached last year, we said in that budget agreement that each subcommittee of appropriations would be allocated—this is essentially what was decided—a certain amount of money. They changed the name from 302(b) allocation to 602(b). But in that allocation, it said, if you have cut funding for anything in that budget, and you want to take some of that money and put it over someplace else,

you have to do it within the jurisdiction of that subcommittee.

The Senator from Maryland is chairman of the subcommittee on HUD, VA, and some related agencies, namely NASA. So in cutting out the money for the space station, or most of it anyway, I was limited to a couple of things, but those two things are near and dear to me. That is: Veterans and some other things in NASA that NASA itself considers extremely important, as do most of the physicists in this country.

When I first started on this amendment, I see there is $2,090,000,000 in there for the space station, my mouth starts watering and I think, good Lord, we can get $20 million to put into child immunization out of $2,090,000,000.

Then all of a sudden I find that you cannot take this money out of this bill and put it over into another program in another subcommittee. Or you can do it, but it is going to be subject to a point of order, and you have to get 60 votes to overcome a point of order. I am not even going to get 51. So there is no point in messing with points of order and trying to move some of this money over to other jurisdictions.

That is a tragedy. That is one of the things about the budget agreement that I detest.

I will tell you what I have done, Mr. President. I have taken from the $2,090,000,000 and put it into other projects. One of the things is VA medical services. I have heard Senators on this committee say that we have taken care of veterans in this bill. Mr. President, I have a different version of that. We have many beds closed in the VA hospitals in Little Rock, AR—I think well over 100. And I will give you three guesses as to why they are closed. They are closed because we do not have the money to keep them open.

I have letters here, which I will insert in the RECORD in a bit. I have letters here from doctors thanking me for offering this amendment and putting some of the money in veterans' medical services, and medical research. If there are 100 beds closed in the VA hospitals in Arkansas, my guess is that there are thousands of beds closed in VA hospitals all across America. And I can tell you that there is a long, long waiting list in my State. In addition to the fact that hospital beds are closed all across America for the lack of money, every VA hospital administrator and chief of staff will tell you that the reason they cannot keep doctors is because they do not have any research money.

Do you not believe that? Here is another chart: In 1985, the percentage of meritorious projects that the VA hospitals of this country—the Veterans' Administration—were able to pass out were about 77 percent. In 1985, 6 years ago, they were funding 77 percent of all the applications for medical research grants they received of the ones they thought were meritorious. In 1990, last year, they funded 28 percent, a 200 percent cut in medical research grants by the Veterans' Administration; and every doctor will tell you that is the reason they cannot keep doctors, because they have no research money.

When it comes to NIH, they say it is almost impossible to fund people that do not have a track record. Therefore, young researchers who are just out of medical school have virtually no chance of getting a grant. And the number of doctors engaged in research has declined 100 percent in the past 12 years.

A week ago this past Saturday night, I did not go, but Bob Hope was there. We had our big parade about 10 days ago in Little Rock, honoring our Desert Storm veterans, big crowd, big parade, lots of speeches. I did not make one. You know how I love to make a speech but I did not make one all day.

But from where I have an apartment in Little Rock, that night Bob Hope, Miss America, Marie Osmond, a few lesser lights were all there at the stadium, and they had 25,000 people, and it was a benefit for Children's Hospital, but it was tied in to the big Desert Storm celebration.

So I looked out the back window of my apartment, which is not far from the stadium, and about 9:30 the fireworks started and it was the biggest fireworks display I have ever seen almost anywhere, certainly, in Little Rock, AR.

And it went on for about 35 minutes, and when the last light from the fireworks display flickered out, I turned to my wife and I said: "Isn't that strange that while we are spending all this money on fireworks and spending this whole day honoring Desert Storm veterans, we are now forcing for the first time in history veterans with disabilities to make a copayment on their medical prescriptions. And we have thousands of beds, I guess, across the country closed because we do not have any money to keep them open for veterans, the very people we were honoring today."

Mr. President, it is always a question of priorities. You put your money where your heart is, I guess. I have such great respect for the people on the other side of this amendment. Senator GARN showed a great deal of bravery in going into space on the shuttle. I already alluded to the fact the Senate has one of the real all-American heroes in JOHN GLENN. There are the Senators who are fine men, from California, Alabama, and Florida, States who are going to benefit tremendously from this program.

But I want to make this last point on the deficit. It is true if you vote for my amendment, you are going to save less than $1½ billion, and around here you can say this in a New York minute and it does not mean much.

I am reluctant to say this, but when it comes to spending, this place is broken down. Nobody is addressing it. Yesterday, when I read those staggering figures on what the deficit next year is going to be, all I could think about was my grandson—I am not saddled with it—he is. He is 2 years old and healthy and I hope he stays healthy. It is such a staggering thing, I cannot believe it.

So on January 1 this year I said I am going to start voting to try to get this under control and particularly some of those projects that I think are highly questionable. So I said I am going to take on the space station which I think has some merit but no urgency. I am going to take on the super collider which may be even questionable from a meritorious standpoint but it is not urgent. And I am going to vote to trim $3 billion or $4 billion out of SDI and leave enough in that to keep the research going. And I certainly intend to take on the B-2 bomber. All together, Mr. President, over the lifecycle you are talking about over $100 billion.

I remember one of the lines that I thought Ronald Reagan used beautifully when he ran the first time. That was back when us Democrats were hoping he would be the nominee because we thought he would be the easiest to beat. I remember he said, if not now, when? If not us, who?

So I say to my colleagues, if you have any feelings at all about the deficit and if you agree with me that the space station may have some merit even, but not enough to start down the pike toward $200 billion in expenditures, you ought to say "us, now," on this deficit.

And to conclude with the remark I started to make a moment ago, I want to remind every Senator in this body that after you have killed this amendment, I want you to think about the fact that you have voted to impose over $100 million just in interest—just in interest—on your children and grandchildren forever, not for next year, $100 million a year in interest forever.

I yield the floor.

The PRESIDING OFFICER (Mr. LEAHY). Who yields time?

The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, as manager of the bill, I yield myself such time as I might consume.

Mr. President, there are many Senators who wish to speak on the Bumpers amendment and two of them are astronaut Senators and I want them to be sure that they have full and ample time to talk about it. But as the chairman of this subcommittee, I want to say a few words about the station and the comments made by my colleague from Arkansas.

First of all, my colleague from Arkansas is skeptical about the space station. Guess what, Mr. President? So

was I. Two years ago I was the Senator who said what are we going to do with this space station? I am not sure if it has a clear mission. Is it simply going to be a condo in the sky, waiting for someone to occupy it, with not a clear idea of what we would do there? And the more I looked at its original design, the more I say that it was overweight, underpowered, bulky, difficult to launch in space, and difficult to maintain in space.

The original design called for the assembly of over 20 different components at a space campus the size of the U.S. Capitol. It called for maintenance, space walks of over 400 a year, when we had done less than 100 in the entire history of the space program.

So I met with space experts, I met outside of the NASA organization, with NASA itself, and as the Chair of this subcommittee working with my colleague and astronaut Senator, we asked for a redesign of the architecture, a redesign of the funding, and a clarification of the mission, recognizing that the historic past of NASA has been to overestimate technological achievement and to underestimate the cost.

Mr. President, this Senator is a convert to the space station and like a lot of converts I am a true believer in the space station. Why am I a true believer in the space station?

First of all, its design and its mission have been clearly identified.

First, in terms of its mission. It is very clear that the mission of the space station will function primarily as a national institute of space science in the sky. Looking at the great planet of Earth and looking beyond the frontiers, we cannot have a 19th-century attitude for 21st-century challenges. The space station will provide us with very important scientific activity. It will provide us with research in areas particularly like life science and also in microgravity. The redesign of the space station, beside the fact that it has been downsized from earlier versions, will have the greatest research capability of any orbiting space lab ever built and it will far surpass what the Soviet Union ever did which was more interested in achieving records than in achieving scientific advancement.

Microgravity research and life science research will be very important to this country and its future.

Does my colleague talk about what the National Institutes of Health does? Sure. They do that. And they are fantastic. By the way, they are in the State of Maryland. I know probably more about NIH than most of the Senators. Could they use more money? You bet. Could they use administrative help? No doubt. But are we doing the job? You can better count on it.

And what the space station will do will be important complementary research to the National Institutes of Health. It is not in lieu of the National Institutes of Health, but there are certain metabolic, physiological, anatomical aspects that could be measured in space that could not be done here, one of which are bone diseases that we could estimate and be able to identify in a zero gravity atmosphere that will have profound effects in how we treat and handle many nursing home patients. And that is just one category alone.

Now let us talk about the design. The design has been downsized. It was overweight. It was underpowered. It was what everybody at NASA thought it should look like and it was all attached. Now we have a design that meets mission and meets funding. And I challenge anyone to debate those two criteria. And its downsized mission can achieve a scientific role.

There are those who talk about the aspect of, well, if it goes up there it will not work. Scientists have tried to argue that the redesigned space station is not the perfect orbiting laboratory and therefore should be canceled—perfect orbiting laboratory.

Well, that is what space is all about. There is going to be risk, but it is going to be quite a laboratory. And in fact scientists criticizing it, well-intentioned, have made the perfect enemy of the good. And those same scientists come in and say we need you, Senator, in the National Science Foundation appropriations to upgrade and modernize our facilities. We cannot do our research.

They do not say cancel the grants because they cannot do the research. They say give us more money for hearing units and air-conditioning units and all that. Absolutely right.

We do have an aging laboratory infrastructure in our scientific community that we are trying to address through the National Science Foundation. But just because every air-conditioning unit is not perfect and every Bunsen burner does not ignite the way they want it to do—of course that probably dates me. I do not know if they use Bunsen burners anymore. But they do not say cancel the grants or cancel themselves while they are waiting for a redesign.

So I would say that this space station—how does it compare in scientific capability? It is 40 times greater, the capability of the space lab, to the existing shuttle. It is 20 times greater than the capability on a shuttle with an extended duration orbiter. It is two times greater than what Skylab ever was, and 54 percent greater than the Soviet Mir space station. I think that is pretty terrific.

So, Mr. President, I feel that we have met the test of designing in an architectural way that will perform scientific research, provide for the safety of our astronauts, and at the same time we clarified the mission.

I am going to talk about the funding in another part of the conversation on this. I know my colleague from Utah has been waiting to speak. Let me just say from this part of my conversation, these are not only the views of Senator BARBARA MIKULSKI. I have here a letter of 65 U.S. Senators who say to me:

> Dear Madam Chair:
>
> We wish to express our support for Space Station Freedom, to recognize your considerable efforts as Subcommittee Chair, and ask for your continued commitment to a balanced civil space program.

This is what they say—not their compliments to me—it is what they say about the space station that counts.

> Space Station Freedom urgently needs consistent policy and funding support to maintain the program's capabilities and schedule and to honor our international commitments. As you know, the program has been restructured pursuant to guidelines formulated by the Appropriations Committee. NASA and its contractors met this challenge. We in the U.S. Senate must do our part in honoring the commitment made to NASA and to future generations of Americans.

And to our international counterparts to do it.

Sixty-five Senators are asking this chairperson of this subcommittee to fund Space Station Freedom.

Mr. President, I yield the floor—I know my other colleagues wish to speak on this—reserving the right to speak at such times as appropriate on further debate on this most important amendment.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Maryland has yielded the floor. Who seeks recognition?

The Senator from Utah.

Mr. GARN. Mr. President, first of all, may I compliment again the distinguished chairperson from the State of Maryland, Senator MIKULSKI. She has only been chairman of the Subcommittee on HUD and Independent Agencies for 2½ years. I think it is very important what she mentioned to the Senate, that she started out as a skeptic.

I must admit that I would much prefer to be chairman of the subcommittee, as I used to be, rather than the ranking Republican. And when it changed and Senator MIKULSKI became the Chair in January 1989, I wondered what type of a situation I would be dealing with. I must say what I found is a chairman who came on board, not having been on the subcommittee before, and not being familiar with all the details, extremely hard working, delve into all of these issues and, as she said herself, became a convert as she became extremely knowledgeable on these issues. It is very hard work, learning all the aspects of this budget.

She invited the head of the European space agency over to talk to both of us. And so it was not just a learning curve. It was a crash course that she took that I very much admire. And she put

so much time and effort into learning not just the NASA part of the budget but all of the different intricacies of a very complicated budget of over $80 billion. I think the point to be made is the point she made herself, that the more she learned about it, she became a convert.

So I am a little bit puzzled with some of the remarks of my distinguished friend and colleague from Arkansas. And he is sincerely a friend. I am not saying that because that is the usual custom on this floor. Senator BUMPERS and I came to the Senate together in the election of 1974 and so we are classmates and have served nearly 17 years together. So I have great respect for him, for his ability, and also as a friend. But I could not more completely or totally disagree with his analysis of this situation.

There are a few points I would like to make to begin with that I think are important. My colleague made the statement that this had not beeen debated and it was finally time that we had a debate. Well, that puzzles me a little bit because I have been debating this thing for at least the last 7 years, year after year.

Now, maybe the Senator from Arkansas and some of my other colleagues on this floor have not been aware of that debate. But, believe me, it has been debated, over and over and over again, to the extent that last year the debate called for a complete redesign of the space station, cut it in size and cut the cost. So certainly, this is not a surprise to anybody. At least it should not be, certainly not to those members of the authorizing committees or the Appropriations Committees. It certainly has not been a very high visibility item in the newspapers of this country for several years.

We also talk a great deal about life cycle cost and it is very impressive when you talk about estimates of $118 to $180 billion. Yes, that is a lot of money. I come from a small State. We could run my State forever on that amount of money. We could run the State on the interest on that amount of money. So I do not wish to minimize that. It is just that I wish we would treat all budget items the same when we talk about enormous costs.

We are talking about $3.5 to $4 billion a year. I wonder how many of our citizens would buy a home—then when they priced the home whatever it was, use $150,000 as an example, they are told what the downpayment is and what the monthly payments are and that is usually how they determine whether they can afford it or not—I wonder how many of us would buy our homes if we were told that the price of that home up front was not only all of the principal and the interest, but we add in the taxes, we add the paint, all the repairs, all the maintenance, all the insurance, everything that went into that house over a 30-year period of time and that house became a $2 million house. I wonder how many would think they could afford it.

I wonder how many would think they could afford it.

Let us put it into perspective and say yes, we certainly do plan to spend $3.5 or $4 billion a year as an investment in the future space science of this country. And not just inflate it over the life-cycle costs.

On that basis I guess we should multiply food stamps by 30 years, because the food stamp budget alone is larger than the entire NASA budget. That is another point I think needs to be made very strongly.

Somehow, every year I find myself out here on the floor defending raids on this piggybank that is supposed to be so very large. The entire NASA budget is about 1 percent of the entire budget of the United States.

The Senator from Arkansas is correct. There are a lot of other valuable programs that have difficulty being funded in this budget. But if we eliminate NASA, remove it—not just the space station, let us remove the shuttle; let us remove everything they do: Aeronautical research, crash shift, supercritical wings, all the contributions, high-bypass engines that we now benefit from in our commercial and military fleet—if we just eliminate them and cut out 1 percent of the budget, we have not even begun to touch the budget problem of this country. We will never touch it until this body and the House of Representatives has the courage to deal with entitlements. Because we, as appropriators, now deal with one-third of the budget. That is all we are arguing about. The other two-thirds are entitlements that automatically grow every year, and this Congress does not have the courage to even talk about them.

I am not talking about eliminating entitlements programs. Certainly I am not talking about eliminating Social Security and veterans pensions and Federal civil service, and all the other entitlements, food stamps, welfare. There are some needed programs. But we at least ought to include them in the discussion when we have a $350 billion deficit, because we cannot cut enough out of defense and nondefense discretionary to solve the budget problem.

We cannot raise taxes enough to solve it because the American people will not tolerate it. Yet, we hear all these speeches every year about how we are going to fund all these other programs and save money and reduce the deficit by cutting NASA.

Again, I want all my colleagues to understand, eliminate NASA and we have saved 1 percent of the budget—1 percent. We are not talking about a large amount of money, relatively speaking.

This Senator, over the 17 years I have served—if anybody wants to examine my voting record—I get zeros on most of the liberal polls and 100's on most of the conservative polls on Federal spending. I think there are only two or three other Senators in this whole body whose voting record on fiscal matters is more conservative than mine. So, I, too, am interested in saving money. But we cannot do that by only looking at one-third of the budget. And we certainly cannot do it by attacking a portion of 1 percent of the entire budget and not looking to the future of this country.

Congress is extremely good at looking to what sounds good by the next election, which happens to be November 1992. But something that may not bear fruit for 15 or 20 years down the road is not of as much interest to them. And my interest goes far beyond the space station, far beyond the space shuttle, far beyond aeronautical research to a much more fundamental concern that I have, and that is the whole technological base of this country.

We are, in general, not spending nearly enough on research and development, whether that is medical or whether that is scientific. We are not training enough math and science teachers in this country for our young people. We are not training enough engineers and scientists. I do not know where the next generation of NASA scientists is going to come from. But the Germans are, and the Russians are, and the Japanese are.

If we wonder why we have a trade deficit and why we are continuing to have most of the technical apparatus made overseas, it is because we are not investing enough in the future; not nearly enough. Because we are investing in the present and in the past, but not enough in the future.

Is it not easy to come to the floor, year after year, while various of my colleagues try to get a piece of change out of NASA. Again, that does not solve any problems if we eliminated the whole budget.

But let us talk about the space station. I am rather interested in the number of people, particularly in the scientific community, who are so sure of themselves. But they have not been in space. They do know what it is like up there. They have not felt zero or microgravity. They have not done any medical experiments. As a matter of fact, I personally am offended by most of these scientific groups, and particularly Dr. Park from the University of Maryland, who wrote an insulting article for the Washington Post in his opposition to the space station. There are good reasons on the other side why some people are opposed. But for a Ph.D. who has the reputation he has, it was an insulting article that would not be a credit to a high school science stu-

dent, let alone somebody of his reputation. Maybe I am candid, but that has been my nature. Besides, I am not running for reelection next year anyway, so I can say anything I feel like.

Do my colleagues know what his comment was, about the recent space sciences—like sciences mission? That the only thing they learned up there was that jellyfish got confused in zero gravity. I suggest this puts his reputation at stake, to make such an idiotic, stupid statement. I suggested on MacNeil/Lehrer that he might want to talk to the two MD's on that flight and two other expert Ph.D.'s who are experts in their field and listen to them—as I did that very day for an hour and a half—describe their medical experiments and the benefits they would expect to come from those medical experiments. But that would spoil his opposition if he talked to the people who had the facts.

Plus, the point of it is, it is going to take several months before all that data is digested and they come up with the interpretations of their work on bone demineralization, bone demineralization studies in zero gravity. We have known for a long time that you lose bone mass, particularly in your lower legs, in space. Well, there are some similar problems like osteoporosis in women, with the humpback. We are going to learn a lot in zero gravity about bone demineralization with applications here on Earth. Just as we have, over and over again, with more than 10,000 medical devices or procedures that have been developed in space research and development.

My colleague says they were not done in space. That is not a fact. A lot of them were done in space. I am amazed at that statement by these scientists. Otherwise, I do not know what I was doing in space. That was my primary responsibility, to do medical experiments on myself, plus Dr. Setton, who was also on a recent life sciences mission.

I think I was doing medical experiments in space. Maybe I was not. Maybe I was just spaced out and did not understand what I was doing up there. But, believe me, medical research has gone on in zero gravity. It has gone on in the space shuttle. I also happen to know that those space experiments were limited because we stayed up 7 days, and the longest the space shuttle has stayed up is 10 days. And any scientist out of high school ought to understand that many experiments take a great deal longer than that.

We had an electrophoresis machine on my flight, with Charlie Walker operating it, which processes pharmaceuticals in space, 100 times more effectively and 4 times more pure. There are cures for diseases out there, there is no doubt about it in my mind, if we are willing to spend the money to go out there where we have a long-term facility.

Charlie Walker had to fly on three different flights of 5 to 7 days each, but each time, a day before we reentered, he had to power down the machine. The experiments were incomplete because of lack of time, many of them taking longer than 28 or 30 days—sometimes months—to do.

Microgravity, as the scientists talk about it, rather than zero gravity as we laymen do, is very valuable to materials processing, to all sorts of other experiments that have gone on in the space shuttle.

I do not doubt what these scientists are saying. I have read the comments myself. But they have not been there, and when they talk about doing it all by robotics, we can do it with unmanned vehicles, that reminds me of a cartoon I saw a few years ago, with a Conestoga wagon sitting there with nobody in the wagon, nobody on the buckboard, and the caption said: "We are going out to explore the West, but it is so dangerous, we are sending unmanned vehicles."

Yes, we could have explored the West with unmanned vehicles. Just sent the oxen, horses, wagons out with machines on them, I guess. I had one of these eminent scientists who has been so critical of the space station lately in my office last week, and we agreed to respectfully disagree, but as he was leaving he said, "I love your State, Senator. I particularly enjoy the skiing. You have the best snow on Earth there. I wish I could live in Park City, UT, and ski a lot."

I said, "Why don't you?" He said, "Because my lab is in Boston." I said, "Just operate it with a robot. You just spent an hour telling me how we can do all this experimentation with robots in space and unmanned vehicles. Now you are telling me with land lines, hard land lines from Park City, UT, you cannot operate your lab in Boston?" He said, "Oh, I need to be there. Some of the equipment sometimes breaks down. If I could work it out, I would have to travel back and forth."

He finally realized what kind of a trap he was getting into. He is insulting my intelligence by telling me we can do it all with robots in space. Despite the fact it did not bother him, I enumerated all the times we had men and women in space repair equipment and save experiments. We certainly need a balanced space program of unmanned and manned vehicles, but you cannot replace men and women in space any more than he can operate his lab satisfactorily from Park City and do it in Boston. That would be a much easier task. At least he can get on Delta Air Lines and fly to Boston and fix something and return and operate his robots from Utah. It is an absolutely ridiculous concept to think that we can do it all with robotics.

Also, the charge is that there will be no meaningful experimentation coming from a space station. A comment was also made that they have done nothing on Mir. I spent 5½ hours in Star City last August. I had the opportunity to have General Leonov, the commander of the Soyuz portion of the Apollo-Soyuz mission, take me on a personal tour, show me all of their equipment, all of the things they are doing, their Soyuz, inside the Mir space station. I would be the first to admit without even being able to read Russian that I could look inside that Mir space station as I toured it, and they are not doing any serious high-tech science in that station. No doubt about it. But to say that they have done nothing in all the years that they have flown, they have shared a lot of medical information on what long-term space flight does to the human body. To discount that as being meaningless, even as much as a skeptic as I am of the Russians and their technology and their system, simply is not correct. We have learned some valuable information from their long-term space flights.

I wish we could keep this in perspective. As we talk about the costs again, I am absolutely appalled by the fact that my last car cost me more than my first house did and it had three bedrooms and two bathrooms. I cannot believe the cost of anything any more.

We can group these scientists into several different areas. Some of them are simply opposed to men and women being in space. They are not just after the space station. They want to kill men and women going into space to begin with.

Then there is a group who are all for theoretical science. They do not believe in applied science. They want to get in their little labs with no windows and play with theoretical science, which is important, but some day we need to apply science and what we have learned from it. Scientists ought to be able to realize that for every single dollar we invest in the space program, we get $8 or $9 back in the private sector. There is not any other Government agency that can claim that.

And then there are a lot of things that you cannot place a dollar value on. Again, as the Senator from Arkansas said, it may not have been invented in space, but because we did the space shuttle and because we did other programs, they were a byproduct of that research and development. One of those happens to be a heart pacemaker. I have no way to put a dollar value on a human life. It is valueless. You absolutely cannot place a value on it at all. But tens of thousands of people are alive because we have an implantable heart pacemaker. We have diabetic patients who have implantable insulin pumps. The list goes on and on and on. And I am not capable of standing on the floor today and predicting what ex-

actly will come out of space research and development on Space Station Freedom, but I guarantee that we will have additional discoveries that are beyond our imagination now if we are willing to make the investment in the future.

There is another group of scientists who simply think that if they can cut NASA or the space station, they are going to get the money in their area, in their grants. The Senator from Arkansas pointed out that the budget resolution does not work that way. It is not going to be taken from NASA and put into NIH. Even if it did, NIH has grown far more rapidly. This chart, I am sure, is in black and white and cannot be seen too well on the TV or even in this body, but if you look at the relative amounts of academic research and look at NIH, and I am not begrudging NIH, I am a fan of NIH and I think they ought to have some more money in their grants, but there is NIH and here is NASA. The proportion over the years all the way back to 1950 is absolutely incredible in other areas besides NASA.

So, again, there is not a big bottomless pit in NASA that we can take money out of even if the budget resolution would allow us to do so. I do not want to get into any detail on this part of the subject either, but, boy, I could give some examples of NIH funding in grants and bottomless pits, of wasted money, people spending years and producing nothing, and that is the way science works. I am not really being critical. I am just making the point that you could put a lot of money into NIH and cannot show a direct correlation, but we certainly can in the space program and will if we build space station Freedom.

I think we have to be fair about this when we talk about NIH receiving a less percentage of grants than they used to. That is true, the percentage is smaller. But I just showed in this and other areas, NIH funding has gone up dramatically so I do not know that the percentage means very much.

There is also the group that seems to think that the space station is robbing other scientific programs within NASA. I think there are some figures that are interesting. Since fiscal year 1985 when Congress provided the first discreet funding for the space station program through the current fiscal year, a total of $5.781 billion has been appropriated for design and engineering for space station Freedom. This amount, however, is a net reduction of $1.3 billion from the $7 billion requested by the administration for the program during this period. So we have cut $1.3 billion from what two administrations requested.

But during this exact same period, administration budget requests for space science and applications have totaled $12.293 billion. Of this amount, $12.26 billion was appropriated, for a net reduction of only $33 million. Look at the comparisons. Space station Freedom down $1.3 billion. Science and other areas of NASA, a net reduction of $33 million. So it is very clear that the reductions in funding for the space station were not used to augment the administrations plan in budgeting space science programs. Space science and application funding has been substantially increased during the 6-year period. However, compared to the level of funding when the space station program began, space science has enjoyed more than a doubling in the level of NASA support, a 110-percent increase since fiscal year 1984. It is clear, therefore, that in the history of the space station program, growth in space science funding has not suffered nor has it benefited by reductions in funding in the space station program.

So I hope we can get away from some of the myths, most of all, to get away from all the statistics. I hope that we realize that we need to invest in the future; that we look at the incredible spinoffs from the space station.

I also suggest that when we talk about that, scientists across the spectrums in all these 14 organizations without exception oppose the space station, I suggest that this is not untypical of a lot of organizations in this town whose leadership is not in concert with their members. Just one example, the Council of Engineers and Scientists Organizations representing more than 80,000 scientists, engineers, technical, and professional employees recently stated they are totally committed to completing space station Freedom as configured by the Congress.

Their papers suggest that science opponents of the station are trying to divide the academic community from those scientists and engineers engaged in the practical application of scientific progress.

They also went on to talk about how their parent organizations did not represent them at all. As a matter of fact, they were upset because they felt that all of these statements were misleading.

I have talked longer than I intended, but I hope everybody realizes how important I think space station Freedom is to the future scientific research and development of this country and our technological base and recognize that in Congress it is time we started looking to the future and not the next election.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I rise to oppose the amendment of the Senator from Arkansas. It is not often that I differ with him on issues that come before the Senate. We are usually strongly together. But I have to differ upon this occasion. I am delighted to join with the distinguished chairman of the subcommittee, who is handling this bill on the floor, Senator MIKULSKI, with Senator GARN handling it for the other side of the aisle, with Senator HEFLIN, Senator GLENN, and others.

I too, would like to see even more funding for veterans, as is proposed by the amendment by the Senator from Arkansas, for space science programs, and for deficit reduction, too. However, I am fully committed to seeing the space station become a reality.

The space station is the linchpin in our manned space program, an international effort that will provide us with scientific spinoffs and technology advances to propel us into the next century. As we embark on this critical stage in the space station development, we are ensuring U.S. leadership in science and technology for decades to come.

We will learn much from the scientific work to be conducted on the space station's three multipurpose laboratories, providing access for an unprecedented number of scientific experiments. The potential advances in medical care and the environment make this venture into space a wise investment in the future of our Nation and the planet.

The microgravity work to be conducted in facilities like the space physiology facility will study the effects of prolonged human space travel. This work is essential if we are to realize the dream of travel to other planets. Proceeding with this research will lay the groundwork for a future mission to Mars.

Let me say a word to my colleagues who are uncertain about where they stand on the space station. This amendment will not only kill the space station, but should the amendment pass and we slash the funding for the space station, the President has made it clear that he will veto this bill. And there is much that is good in this bill.

Our colleagues, Senators MIKULSKI and GARN, have done magnificent work in putting together a balanced package. Housing, veterans' medical care, science funding, EPA, and the space station, all of these vital programs are budgeted from the same 602(b) allocation, an allocation that never seems to meet our growing needs. They have done admirable work in putting together a package that meets so many of these needs.

I appreciate the good intentions of the Senator from Arkansas in directing more money toward veterans' programs, but let me say this. As the chairman of the Senate Veterans' Committee, I want to let my colleagues know that this is a good bill in its present form without this amendment for veterans. In many areas, notably veterans' medical care, veterans and their families will do better with the funding in this bill than under the President's request and the funding levels in the House version of the bill.

Veterans' medical care funding in this bill is $32.8 million more than the House and $241 million more than the President's request.

Additional medical care funding includes an increase of $153.6 million to the President's request to help reduce a backlog in replacing outdated or broken medical equipment in the Department of Veterans Affairs.

There is an increase of $136 million over the President's request for additional health care staffing and special pay for health professionals.

There is also increased funding for the treatment of post-traumatic stress disorder, a problem we are now seeing with Persian Gulf veterans. Let me say a couple of special words about PTSD, post-traumatic stress disorder. I conducted a hearing yesterday of the Veterans' Affairs Committee on that particular problem. It turns out that many, many veterans returning from the Persian Gulf, and their families who waited back home, are now suffering from emotional, psychological, and psychiatric problems that stem from the experience in the gulf. We heard some heartrending stories about family breakups and all sorts of other problems confronting the people in the gulf and their loved ones.

We have to do more, I believe, than we are able to do now, and so we are going to be coming back looking for funding for this particular need in the future. But, we need to learn more about that particular problem before we know exactly its dimensions, how many people are affected. There may be many, running into tens of thousands. When we know the dimensions and know the best way to cope with that problem, we will come back to discuss that and to find the money and to establish the program.

Let me finally say that funding for the administration of veterans benefits is $15 million over the President's budget and $18 million over the House to help speed up processing of claims for disability, education, home loan, and other benefits. Cemetery system funding is $10 million more than the President's request, with an additional $3 million available in fiscal year 1991, which will have an enormous impact on the deteriorating condition of existing national cemeteries and will help in creating much needed additional cemeteries.

As chair of the Subcommittee on Housing and Urban Affairs, I also would like to commend the distinguished chair and ranking member and their staffs for the efforts they made to address the housing needs of our Nation.

The committee has managed to fund the new programs created in last year's Cranston-Gonzalez National Affordable Housing Act without eliminating existing, successful housing programs—as the administration had proposed.

The bill includes $2 billion for the new HOME investment partnerships program. This program will assist State and local governments meet their local housing needs. Across the country, communities are eager to get this program underway.

The bill provides funding to implement the prepayment solution contained in last year's housing bill to preserve the Nation's existing low-income housing stock.

Fifty million is provided for the AIDS housing program to help meet the special care and housing needs of AIDS patients. And the bill includes funding for the administration's HOPE Program.

Significant increases are also provided for existing programs such as community development block grants, public housing operating expenses and modernization.

The committee has also provided funds for lead-based paint initiatives in public and private housing. As the committee noted in its report, lead paint exposure continues to be a major health risk to our citizens—particularly children under the age of seven. I commend the committee for including $75 million for privately owned housing in addition to funds for public housing testing and abatement.

In California, the communities in Alameda County are undertaking an integrated program to screen children for high lead exposure, identify and remove lead paint in housing, and train workers on proper removal techniques. I think it will be a strong candidate for funding under this program.

Mr. President, these important increases in funding for housing programs and the increases to help our veterans will be lost should this amendment pass and that lead to a veto of the bill. For all these reasons I urge my colleagues to oppose the amendment.

The distinguished Senator from Maryland, who is handling this bill on the floor, rose to perhaps discuss the PTSD aspect and I wish she would do so.

Ms. MIKULSKI. If the Senator will yield, I thank him for his legislative efforts in this bill. I also thank him for giving us two crucial authorizing frameworks embodied in this legislation. One is on veterans care, both veterans' medical care, meeting the claims, rightful claims to benefits, and disability pensions, and now the resurgence of the post trauma stress is an area of great distress to everyone.

What we are able to understand, as I understand the Senator, is that Vietnam vets, once they began to see some of the battle scenes of Desert Storm, had incredible flashbacks. Veterans who had no previous problems have been suddenly affected and need the competent specialized help offered by VA.

Now we are also finding that although Desert Storm lasted 100 days in actual combat, the stress has been just far more than originally anticipated, and we need to be ready to be funding the appropriate resources to help the veterans in the transition time. Am I correct in that, I ask the Senator?

Mr. CRANSTON. Yes. Absolutely. I am delighted the Senator from Maryland, who is in a very strategic and powerful position to help, is so aware of the problem and ready to help when we know exactly what help is needed.

It is true that people who went through Vietnam have had many of their nightmares brought back to light by witnessing and reading about what happened in the gulf. The problem for the gulf veterans is absolutely unique in certain respects.

Let me say one more thing about Vietnam. It took us more than 8 years to get a program to help veterans who needed help for traumatic stress, after Vietnam. We cannot let that much time go by, and we will not, after this war.

A very unique aspect of this war is that many of the people who went overseas, some into combat, some close to combat, were in the Reserves and in the National Guard.

Thus more than ever before people who were called up this time did not get a deferment because of their dependents, children, and spouses. They were given 48 hours notice in many cases and yanked away from their families, away from their farms, away from their jobs, and away from their businesses and found themselves on their way to Desert Storm. There they waited in intense heat. They and the loved ones left back home so abruptly read predictions that perhaps 20,000 would perish, be killed when the fighting began, if it did. They heard that chemical weapons or perhaps a nuclear bomb would suddenly be turned loose.

This led to trauma there, and trauma back home where more than ever before when the combat actually did begin the whole thing was witnessed on television. This last led to immense strains for many people, conceivably running up into the hundreds of thousands. I do not know that yet.

So we have to be ready to deal with that problem as soon as we know. I am delighted that the present Presiding Officer of the Senate, Senator DASCHLE, is a member of the Veterans' Affairs Committee and will be dedicated to making sure with me and others that we deal with this problem when we know axactly what must be done. Then we will move swiftly and with the help of the Senator from Maryland I know we will do what needs doing.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Ohio.

Mr. GLENN. Mr. President, I rise in opposition to the amendment of my distinguished colleague from Arkansas.

But first I would like to congratulate the floor managers of the bill. I think Senator MIKULSKI has done an absolutely outstanding job in trying to balance several issues here—No. 1, our budget concerns, and then has tried very hard to make certain that we keep a proper balance on the many programs within her subcommittee account that deserve our support. I think she has done an admirable job in that. I am here to congratulate her and Senator GARN for supporting these activities.

Mr. President, I also regret having to oppose the amendment by the distinguished Senator from Arkansas because I know of his sincerity when he talks about human needs right here on Earth, and no one in this whole Senate has been more devoted to making certain that we have vaccines for our young people, for our children, for concerns of health for our elderly. He has been a real leader in the Senate in keeping the Senate's conscience turned to those concerns. I have supported him in those efforts in the past and will continue to do so.

When it comes to knocking out something like the space station I have to, with great regret, oppose what the distinguished Senator, my colleague from Arkansas, is trying to do.

Mr. President, he posed a question. Of what possible benefit is the space station? It is a very good question.

Obviously we like to have answers to that question. But I submit to my distinguished colleague from Arkansas that when you are talking about something like research, the reason you do research is because you do not know what is out there. You are trying to find out. Whether you are doing microresearch in the laboratory or whether it is macroresearch in space astronomy, or the Hubble, whatever. Research is the reason you do it.

I am reminded of a story they tell about back in the days I guess it was 130, 140 years ago, when Disraeli, the Prime Minister in England, was supposedly going through a laboratory where the scientist Faraday was conducting some experiments. They had bottles that Faraday had developed with electric charges in them. He could make the sparks jump from one bottle to another. Disraeli is supposed to have looked at this and watched the sparks jump. He turned to Faraday and said "But of what possible use is it?" and Faraday's reply was "what good is a baby?" What good is a baby? You do not know. You do not know what is going to develop.

Yet, every single advance that human beings have ever made is because somebody was curious about the unknown. This questing human nature, curious, questing human nature, has been at the heart of every single advance ever made. If we are to say that we are to cut off research, we are to cut off inquiry into the unknown, we are to cut out any effort to look at the new and try to see whether it has or not, see how it fits together with other fact patterns, then we in effect cut off human advance.

Can I tell the distinguished Senator from Arkansas today, one, two, three, four, five, here are the things that are going to be of value in the space station? No. I cannot. But I know this: I know it is one of the greatest opportunities we have to look into the unknown, to do things in a different environment.

He very properly points out, and I agree with him 100 percent, there should be more funding for NIH, NSF, the National Academy of Sciences, to look into research. That is fine. It is all well and good to help set them up in the laboratories. I think I helped back every single bill in the 17 years I have been in the Senate in that regard.

But you have one big difference here. This is the first opportunity we have to set up a laboratory at zero G, microgravity, and look into new research.

Before I go into that a little bit, I would like to digress just a moment in this area of research.

If you challenge an audience, as I have done, and say what do you think of the American dream, how did it come to be, how did this American dream of ours happen? What led America to be different? What led us into preeminency in the world? What led us to be the No. 1 leader in the world in almost every single field we have chosen to be involved with?

You will find somebody in the audience say that we had great natural resources. That is one thing.

Well we did. We had the majestic rivers, purple mountain majesties, fruited plain that we sing about. We had all of those things. But other places in the world, I submit, also had resources and they did not develop the way we did.

I submit there are two things that led us into the national preeminence in world leadership position that we hold today. No. 1 was education. Education was not in this Nation just for the kids from the castle as it had been in Europe, or the politically well-connected young people, or those who were already wealthy. But education in this land of ours came to be for everyone. And I would say we did a better job in making certain that every citizen had an opportunity at education than any nation in the world has done up to now.

We did not do it perfectly by a long shot. We can look back and see where a lot of our people did not share equally but, we did a better job of getting education for everyone than any nation in history, up until the last few years. Now we are under some pressure, and we are finding some difficulties. We are under increasing pressure as to whether we are going to be the world's leading educator in the future. We have to rise to that challenge also.

But there was a second element in addition to education. That is, we plowed more of our gross national product back into basic, fundamental, Nobel laureate, breakthrough type research than any nation in history.

We were a curious, questing people. We wanted to know why we cannot know all these things. We set out to do it.

So we learned the new. And with that educated citizenry we just leapfrogged ahead of other nations around in this world in the tiny little timeframe in history and came to be the world's leader.

We are asked what benefits will this bring to us? We do not really know. I wish I had that list here. But we certainly begin to see some things right now that are very, very promising in the space station. Because it lets us do microgravity research not just for 3, 4, 5, 7, maybe at the maximum 9 days on the shuttle, but let us do those experiments that really only have a chance to get started, to just get underway at the end of 9 days, to go on out to more lengthy periods of time.

What type of long-term research am I talking about? Well, one topic captured my imagination the other day when we met with the crew of the last space shuttle mission. This was the first mission that has been designed and flown strictly to do experiments on the human condition in space in zero G, zero gravity. They had lengthy experiments, and their biggest regret at the end of that time was that they were getting into such interesting things in their experiments, that they did not want to come back down to Earth.

For instance, the astronauts wanted to measure whether there were changes in the white blood cell count. There have been suspicions that changes in white blood cells occur, but we did not have a lot of information on these changes. So they set up experiments to determine what happened to the white blood cell count. White blood cells come out in the blood, as I think most people are aware, and eat up the germs and they fight infection and disease in the body; that is their main function.

Well, they measured the white blood cell count just in the short number of days they were up. Do you know what they found? A surprising decrease in the white blood cell count. This was not foreseen. This is the serendipity of research. They had no way of knowing that the white blood cell counts on all of the test subjects—the astronauts up there, not just one person, but several people—went downhill. The white blood cell count was measurably decreased, consistently going downhill.

If zero G causes that, reduced gravity causes that, can we assume that more

than 1 G will reverse that and run it the other direction and give us an increased white blood cell count? Such an increase would give protection against disease, perhaps even an approach to AIDS or, who knows, maybe even cancer? I cannot predict that. But I also cannot predict that it will not result in that. Because you are down to looking at experiments, conducting actual experiments which have never been done before on the immune system, on the basics of how it forms its cells, and what triggers the immune response. Acquired immune deficiency syndrome takes the body from a position of defending itself and takes those defenses away. The research conducted in zero gravity, where we are altering artificially the condition of the body, that white blood cell count—could have an impact on AIDS research.

I asked the astronauts the other day, has anybody gone up to the human centrifuge in Johnstown, PA—where I did training along with the first astronauts too many years ago—and put somebody on the machine up there, this 50-foot arm that goes around, and run that machine up to 2 G's and leave them for a week or so and measure their white blood cell count to see if the decrease now increases? Is that a study that would lead to some cancer cure or some other disease cure? I do not know. I cannot say this latest research is going to result in a cure for AIDS or cancer. But I know that this curiosity about wanting to know what happens to the human body and curiosity about the unknown, and how one little fact pattern fits into another has been at the very heart and soul of every scientific advance since the beginning of people.

We are not at the end of it. We do not know all there is to know. That little experiment they ran on the last flight, to me, has so much promise and hope for what may develop.

Can I predict that it is going to be a cure for cancer or AIDS? Of course, I cannot do that. But I know that out of such experiments as these, great things will come. If there is one thing this country has learned throughout its history, it is that money spent on research normally has a way of paying off far beyond anything we see at the outset. I do not have any doubt that that will be the case here.

Another research finding that came off of that last flight, too, I thought was interesting. We have known that the body, in weightlessness over a period of time, losses part of its skeletal strength. Bones pass off a lot of calcium. We used to be concerned about this when someone was in space a long period of time. We used to say, "You are going to be jelly bones when you come back. You will tumble down on the floor and your bones will bend for lack of calcium." It does not go quite that far, but we do know that, after 7 days, astronauts can lose as much as 15 percent of their muscle mass. We know that bone growth is significantly affected, and we know that the bones do throw off some of their calcium, but we do not know why that occurs. Yet, that very same function that either keeps calcium in the bones or takes it out of the bones, whatever the process—is at the heart of the problem with osteoporosis, the weakening of bones, a typical elderly problem. Bones get weak; one falls down, breaks a hip, and is in a cast.

How many people have known elderly people that have had that problem? I had an aunt who broke her hip three times. She died a couple of years ago, and she was almost as close to me as my mother, a wonderful woman. She had fallen and had osteoporosis. I do not know whether we can reverse this disease or not, but intuitively I know that the place to study it is in zero gravity where we find the changes occurring in the bone and bone losing some of that strength in a short period of time. We can measure it and do experiments. You do not have to wait 20 or 25 years for it to develop, and you can run experiments on it right there.

Can we come out with an answer which will help people with degenerative arthritis, osteoporosis, or multiple sclerosis, or even some forms of diabetes? Such research must be carried out over a period of months and months sometimes. With the space shuttle we can only do research for days at a time. There are a whole host of experiments scientists want to look into. Some of the experiments that are going to be done on the space station Freedom, include: studying animal and plant growth in zero G, which may lead to a greater understanding of biological development. Different elements of health care, waste recycling, noise and vibration research, new computer programs, and other technologies that have to be developed to send the machine up there and keep it there for long periods of time.

Other experiments on the station will not deal with the human body, but with the development of lighter, stronger materials, including structural materials, glass and composites. Those things will have a direct economic benefit right here on Earth. Another area is the growth of more perfect protein crystals. We have already seen in the shuttle and on skylab some major changes of direction of experimentation with pharmaceuticals and industrial applications. The station will allow astronauts to grow and analyze such crystals while in zero G. They can analyze them right there, see what the changes are, make adaptations right there, instead of growing the crystals and having to bring them back to Earth for analysis every time.

So these are just a few of the things. I am not trying to run through all of the potential benefits by any stretch of the imagination here.

What is the likelihood of new things developing? If I am holding these research goals out as a carrot, what is the likelihood of them actually happening?

You know, the Augustine Commission that looked into the space program did a good job I think in outlining some of the potential we have for the future, talked about how some of these things developed since the early days of the space program.

Way back when I was first involved in the program and we were trying to get the flights up and keep them up there, could anyone possibly have foreseen the impact of one NASA research development—weather satellites? Hundreds of billions of dollars worth of value has resulted from weather satellite for farmers, for transportation, for airlines, for safety of transportation, for early warning of tornados and hurricanes. That was not foreseen back in those days. We had no idea that this technology would develop to the extent that it has.

Other research benefits from NASA include things as mundane as antiglare filter that was developed for use in space in the Gemini Program and now we have that same kind of coating being used on medical optical equipment, oscilloscopes, and sunglasses. Would it have been developed? Sometime, probably. Without the space program I am sure it might have been, but we have it now and we are using it now.

Indoor air pollution. NASA has carried out research concerning the ability of green plants to reduce the level of gases which contribute to indoor air pollution. This research has led to new designs in buildings to improve the indoor air quality. Would this have occurred? Maybe, but out of the experiment in the early days of the space program. No one ever foresaw that.

A gas analyzer also called a chromatograph developed for the Mars Lander Program is not commercialized and commonly used to detect and analyze hazardous constituents at superfund sites. Did anyone have the concept when we were trying to get a few little things up in space way back in those days of late 1950's and early 1960's there would be offshoots like that?

Patient monitoring is another one. A New York business which had one of the original contracts to develop a system to monitor vital signs of astronauts has become very successful developing equipment for doctors to monitor patients, and this equipment is widely used in emergency rooms, intensive care units, neonatal, pediatric units, and operating rooms around the world. Would that have been developed? Eventually I suppose it would, but NASA research contributed to it.

Drug research: NASA developed a computer program to analyze the dy-

namic characteristics of airplanes. Du Pont adapted this program. The new use of this program, modeling the effect of different types of drugs on the body.

Another research spinoff are of the muscle conditioning machines, originally developed for space station Freedom, already has been adapted for use by physical therapists, used for sports medicine and people with arthritis.

Clean room garments that were developed to be lint-free and cover the body and are not restrictive have become integrated for use into all types of electronic manufacturer's clean rooms and computer chip manufacturers as well as hospital emergency and operating rooms.

So you can go on and on with things that we cannot foresee at the outset of the space program just that are now in current use and have added to the economic welfare of this country that were serendipitous. They were things that came out of the space program that we really did not anticipate at the beginning.

That is the nature of basic research. That is this quest for knowledge that has been particularly American and particularly beneficial from the space program so far.

Now, with the space station, we have the opportunity to go into space on a more permanent basis. Experiments, once started, can run for months or even years if required in space instead of being up there for a few days and back down again. That is the reason the space shuttle crew was so excited about the space station. Some of the experiments that they ran on this last mission could run for months on the space station.

Is the station to be but a step to Mars? No, I do not think so. Since my own days in the space program, close to three decades ago, I have said that each step along the way we should maximize the research return. We used to joke about man in the can out in space and see how far out you could shoot that person and still get him back alive.

Canned man has never been my view of what the space program was all about. We now have the opportunity to go up into space and use that new laboratory of space for the experiments that I think will prove as valuable in the future as basic space research has in the past.

I agree with my friend from Arkansas completely. We need more money for NIH, but NIH does not have microgravity research capabilities. Other topics I pointed out, like white blood cell development, have great promise, but will this lead to a cure for cancer and AIDS? I do not know. I cannot predict that.

But I do know that in the past, money spent on basic research had usually had a way of paying off in the future beyond anything we have foreseen at the outset.

Do we have other problems here crying out for money? Certainly we do, and we have always had that. And if we had waited to solve all of our problems here in the status quo before we started out to go someplace else, we would have never even moved off the east coast of the United States. The area up and down the Mississippi River would probably be still an untamed land of some kind because we had not solved all the problems of the east coast. When those settlers decided to go West. They were curious. We had not solved all the problems we have in disease or anything else when people decided to do new research whether you speak about the development of the automobile or new types of housing, or whatever.

But through these advances that we have made through human curiosity, through this quest for information, we normally have seen advances in our whole economic condition and a better ability to take care of some of these other problems that my distinguished colleague from Arkansas talks about.

If we had never developed this country; never been curious about the new; never gone into the laboratory; never spent money on research unless we knew the outcome, I do not think this country would have progressed to where it is now. I do not know why you do research and incur an expense on something you already know. The nature of research is finding out the new and the unknown, and we have always put money into this research and this has led to an increased U.S. economy—an increased U.S. economy since our founding days that has enabled us to better take care of those vaccines for the kids that Senator BUMPERS has been such a proponent of and which I backed him on through the years. And all the other things, too, including health care; being able to take care of housing, and other matters. This has come about because we had an expanding economy in the country.

All of that has come from basic fundamental research. NASA estimates, some of the independent economic estimates, also say that the benefit to our economy of research done so far within NASA has brought back about somewhere between $7 to $9 return for every $1 spent.

Let us say that NASA is off. Let us say NASA is a little over exuberant on that. It is only 3½ to 1, but it is half. That is still a tremendous benefit to this Nation of ours, tremendous benefit, because as these techniques become known or new research brings out new ways of doing things, new products or new pharmaceuticals or new approach to disease, we become a better nation and our economy benefits and our position of leadership in the world benefits.

Can I guarantee all these things? No, I certainly cannot on the space station because it is basic fundamental research, and it is not something that can be done at the National Science Foundation. It is not something that can be done out at NIH because they do not have the microgravity. They do not have zero G research capabilities out there.

I know my distinguished colleague trots all this list of scientific people that are against this, and I will only say this: I have had about 30 years' experience dealing with the scientific community since my early days in the space program and this has been a continual push-tug back and forth between man and unmanned as to who gets what.

I would submit that because of the interest in science and in space that everyone has benefited in the scientific community. I think most scientists would agree to that, but let us face it, there has been a lot of jealousy back and forth. When you put up a manned space station it requires more money than setting up a laboratory here on Earth. So the scientists who are interested mainly in laboratory here on Earth are always jealous and always have been. That is a fact of life, and they will tell you that there is no problem with that, but does that mean there is not jealousy back and forth? Does that mean we should not undertake one of the greatest opportunities for establishing a laboratory to look into the new and unknown and do some of these experiments I outlined earlier here that we now have a chance to do? No, I do not think so.

I think we should go ahead with that whether they are jealous of this type program or not. Sometimes the scientists are not right, too. I believe it was Vannouver Bush who was rated literally as one of the leading scientists of the time, who ridiculed the thought there would be such a thing as a ICBM go over and hit another spot and hit it with some accuracy.

So scientists are not completely right in their own estimates of what is possible into the future.

Mr. President, I think that I made the point here that I wanted to make and that is that we do not know the benefits of research.

When people stand on the floor and they say, "What benefit can this be," the very point is we do not know. But the history of this Nation of ours is that money spent on research normally has a way of paying off in the future beyond anything we see at the outset, and the potential of this is, as I have indicated, with just some of the little things that have come up so far on the space shuttle, that are very promising directions to go, with new inquiry, hold such tremendous potential benefit for this Nation of ours, I do not see how we cannot do it.

The Japanese, we are concerned about them taking everything we do and they expand it and sell it back to us. Well, they are very interested in the manned program. They have already started down that direction. We are the world's leader in this.

I do not want this program just to say we are the leader, and wave a styrofoam finger at the world, and say we are No. 1, we are No. 1, much like we do after the ball games. But I say this is an opportunity for that questing, curious nature that we have that is exercised in research, and which has proven of such tremendous benefit to this Nation of ours. I just do not see how we cannot go ahead with this.

So, Mr. President, I may have some remarks to make later on this, but I hope I made my point today. I hope my colleagues will join me.

As much as I admire the proponent of this, and I have worked with him and I have agreed with him, I just have to disagree with him on this for all the reasons I stated above.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. BUMPERS. Will the Senator from Florida yield for just a second?

Mr. GRAHAM. I yield.

AMENDMENT NO. 769

(Purpose: To reduce appropriations for a space station and apply reductions to other purposes)

Mr. BUMPERS. Mr. President, I call up my amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 769.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 80, strike line 25, and insert the following: "September 30, 1993, of which $1,928,900,000 of the funds appropriated under this heading for a space station shall be available, in lieu of such space station, and in addition to any other amounts appropriated under this heading or any other provision of this Act, as follows—

"(1) to the National Aeronautics and Space Administration—

"(A) $50,000,000 for the Earth observing system;

"(B) $50,000,000 for the national launch system;

"(C) $17,000,000 for aeronautical research and technology;

"(D) $15,000,000 for space automation and telerobotics;

"(2) to the National Science Foundation, $50,000,000; and

"(3) to the Department of Veterans Affairs—

"(A) $378,000,000 for use for veterans' medical care;

"(C) $53,000,000 for use for veterans' medical and prosthetic research and development; and $1,315,900,000 shall be applied to deficit reduction. *Provided*, That no funds appropri-

"

Mr. BUMPERS. I thank the Senator from Florida.

Mr. GRAHAM. Mr. President, as the distinguished Senator from Ohio has just so eloquently stated, throughout the history of this Nation, throughout the history of mankind, exploration of the unknown has always been in conflict with meeting immediate current needs.

Next year, we will celebrate the 500th anniversary of one of the great expeditions in the history of mankind, Christopher Columbus' discovery of the New World. In the history of Spain, 500 years ago today there was a conflict as to whether that was an appropriate expenditure, to outfit these three vessels to explore the unknown when there were so many needs to be met in Spain of 1491.

That conflict is an inevitable one. Current needs always are known. They typically have a human face. We can see a child in need. Expenditures to push back the boundaries of man's ignorance are, of necessity, speculative, often disembodied from any immediate human contact.

Mr. President, I support the continued U.S. leadership in space, and for today and the immediate future, that means America's continued support for space station Freedom.

I commend the chairman of the subcommittee for the outstanding job that she and the members of her subcommittee have done in presenting us with a well-balanced appropriations bill in an area of expenditures for some of the most needy and most compelling areas of Federal responsibility. She has submitted us a budget which provides substantial additional funds for important programs in veterans benefits, in housing, elderly and disabled programs, including spending for research through NASA, and specifically the next component of funding for space station Freedom.

Within that space station, there has been significant redesign to comply with congressional directives to reduce the complexity, the size, the cost of the program. NASA, Mr. President, has cut $8.3 billion from the development phase of the project, reduced the length of the laboratory and external maintenance in space by 40 percent. And in spite of those significant fiscal constraints, we still will have a scientific capability that will be 110 times greater than the space lab on the existing shuttle, and 4 times greater than the Soviets' Mir space station.

Mr. President, this station, with all of its unknowns, has benefits that we can, with a high degree of certainty, anticipate. This station will yield a strong return on America's investment. Industrial production can be expected to be enhanced through every area from general advances in science and technology, to the development of new products and improved processes, to the spawning of industries not known today, to the diffusion of new knowledge and the refinement of existing technology.

The station is expected to enhance economic benefits of NASA investment beyond those measured between 1978 and 1986, which totaled $22 billion in industrial sales, and $350 million in income tax receipts.

Mr. President, the space station Freedom will provide a world-class laboratory in which to conduct life science and medical research and microgravity materials research. The Senator from Ohio has documented the areas in which we can anticipate with a high degree of certainty that there will be advances in human knowledge.

Mr. President, the cancellation of the space station Freedom would result in the termination of the largest international scientific project ever undertaken. Fifteen countries have collectively pledged $8 billion to the project. They have spent $1.6 billion to date. To these contributors, the station project represents a signed treaty agreement. Cancellation of the program would hurt our ability to participate in future multinational scientific ventures.

Finally, Mr. President, space station Freedom is America's opportunity to remain firmly in the lead in space science and exploration. World economies are increasingly linked to knowledge-intensive, high-technology industries. Japan and Western European countries spend proportionately 25 to 50 percent more than the United States in the development of those new technologies.

In one area, aerospace, the United States continues to hold the dominant world position. Other countries in the world are both partners and customers of the United States because of our leadership in space and aerospace activity.

In 1990, while the United States ran an overall trade deficit of in excess of $100 billion, we actually had a trade surplus of $2 billion in aerospace products. That leadership, Mr. President, is important to our country's economic well-being, to our national security, and to the future ability of the United States to continue to be a major world-class technological economic leader.

There will be a space station built, Mr. President. It will be built by someone, somewhere. The only issue is whether or not the United States will play a significant role in that project. Yes, there are other competing needs. Yes, those needs are compelling. Yes, we can, as human beings and as representatives of the people of America, identify with those needs.

But, Mr. President, I do not believe that we will be serving Americans of today and in the future if we do not

take a perspective on where we want this Nation to be as a leader in world technology, a leader in the exploration of the greatest unknown available to man, the universe in which we live.

Mr. President, I believe that the prudent course of action today is to support the very balanced proposal that the Senator from Maryland has given us to continue the level of support for space station Freedom which she recommends, and to continue America's leadership in world technology and in the uncharted frontiers of space.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in support of the amendment by the Senator from Arkansas. I do that with great respect for the chairman of the subcommittee, who is one of the most capable Members of this body and one of the most feisty Members of this body; and with great respect for Senator JOHN GLENN, who not only showed ability but incredible courage in getting into that tiny little space capsule when he launched into space; as well as for our colleague from Utah, Senator GARN, who got into an appreciably larger space unit but who has done other things, including one of those things that perhaps has never been mentioned on the floor of this Chamber, and that is giving a kidney to another member of his family.

But the question right now before us is, is the Senator from Arkansas correct in his assumption? We toss figures around, $8 to $30 billion costs. GAO says $40 billion, ultimately $118 billion in cost.

This is the June 10, Time magazine:

> The National Academy of Sciences concluded that the space station had no scientific use at all.

Maybe that is an exaggeration. But I, on the basis of everything I know, without having a manned station we can learn virtually everything we can from having that very expensive, that Cadillac operation, up there. Time magazine described it as—

> * * * a sort of WPA for the aerospace industry. Administration officials contend that science has never been the whole point of the space station. Rather it is intended to maintain American prestige.

That is an awfully expensive prestige item. "The brave, new, do-nothing space station," it refers to it as.

We have had the Soviets in space at one period for a year. We do not need to duplicate everything that has gone out there. And, in terms of what my colleague from Florida, Senator GRAHAM, said, that other nations have pledged $8 billion—well, $8 billion out of $118 billion, if the GAO is correct—$8 billion is better than nothing, but it is not a very impressive figure.

I think one of the things we have to say is are we willing to make the hard choices and is this really going to pay off?

When the Senator from Arkansas had his amendment in the other day on the super collider, I voted against him even though, frankly, I think a nonscientific decision was made to put that super collider in Texas rather than Illinois. But I think there is a reasonably good chance we are going to get a payoff there. I may be wrong. But it is a small fraction of the amount of money we are going to spend here.

Let us say that $118 billion is an exaggeration. Let us pull it down and say it is $50 billion. And let us say we took half of that $50 billion to reduce the deficit. On the Budget Committee—and I see Senator HOLLINGS here—I remember when one of the witnesses, the Chairman of the Federal Reserve Board at that time, testified that when we reduce the deficit roughly $50 billion, we will reduce the interest rates roughly 1 percent. Let us say we took cumulatively half of that, $25 billion, and reduce the deficit by $25 billion, that pulls down interest rates, roughly one-half percent.

Then what are the other alternatives? Let me just spell out a few.

Yesterday, in the hearing before the Labor and Human Resources Committee we learned that, in 1969—talk about scientific progress now—in 1969 there were 60,000 graduate fellowships in this country. Do my colleagues know how many graduate fellowships there are from the Federal Government today? Twelve thousand. That is incredible. Look how we are slipping. That is the kind of choice.

What about, instead of spending all these billions for a space station, we spend a little more on arthritis research, mental health research, cancer research, diabetes research? Three or four years ago I had as a guest a longtime friend who happened to have Bell's palsy. It is a disease that disfigures one side of your face. It is not a life-threatening thing, but it is psychologically debilitating. I contacted NIH and said, what did we spend in this great, rich country last year on research on Bell's palsy? Do you know what answer came back? $30,000—almost nothing. These are the kinds of hard choices we are going to make.

Last week I held a town meeting in the little town of Findlay, IL. A woman got up and said:

> I run a little antique store, but the insurance company found out that my daughter has diabetes and they have told me now that my insurance bill is going to be $16,000 a year. We cannot afford insurance any more.

We have to make hard choices. Do we provide insurance for that woman and her family in Findlay, IL, or do we put some exotic thing into space that the scientific community tells us overwhelmingly just is not going to do any good?

We had a Budget Committee meeting here today, and I heard our colleague from Michigan, Senator DON RIEGLE, tell us about two people who are unemployed, why they need unemployment insurance. The lowest percentage of people unemployed today are getting unemployment insurance since the unemployment insurance started. We say we do not have the money for it. But we have money to launch a station into space?

Well, candidly, and I hope my colleague from Arkansas will not mind my saying it, he is not going to win this battle today. We are going to get outvoted today. But I remember Senator Paul Douglas said the big battles take 7 years. I hope it does not take 7 years. But one of the things we have to learn is we have to make hard choices. One of the people who has been telling us that is the Presiding Officer, the junior Senator from North Dakota, who on the Budget Committee has been trying to force us to make the hard choices. We cannot just do every little thing that comes into our minds, pleasant as it might be.

When the scientific community says overwhelmingly this does not make sense, when we hear that, for example, funding this will be the equivalent of funding the National Science Foundation for 60 years, where do we want to make that scientific investment? I think the evidence is overwhelmingly on the side of the Senator from Arkansas. I do not think the votes are going to be there, because this space station has dropped little projects all over this country. But I think we have to forget those little projects, insofar as possible, and say what is in the long-term best interests of this country? Are we willing to make the hard choices?

I hope we at least send a partial message through this discussion, and perhaps through the votes, that we better take a look at the hard choices. I commend my colleague for his amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I appreciate the comments of the distinguished Senator from Illinois because he has in mind the same concern that I have. He noted the heroism of our distinguished colleague from Utah, Senator GARN, and I agree with that. I think we have him and several other authentic American heroes in the U.S. Senate.

The day before yesterday I had the opportunity to introduce my grandchildren to Senator GLENN; I carried them down to the Space Museum and showed them the capsule he rode in. I also introduced them to Senator INOUYE, from Hawaii, who, in my opinion, is another genuine hero.

These folks who have really worked in the NASA vineyard, who know more about space than I do or ever will—I hesitate rising to speak on this particular subject, even though I am informed as chairman of the NASA authorizing committee. As chairman of

the committee supporting, Mr. President, the authorization, I hesitate speaking at all.

However, like the distinguished Senator from Illinois, I believe we just cannot continue business as usual around this town. Sometime, somehow, we have to all sober up and realize that we are in deep trouble financially and fiscally, and only we can solve the problem, only the Congress is going to be able to do it in concert with the administration.

To date, we have received no help whatsoever from the administration, and that is what I want to speak about momentarily.

Let me say I also hesitated to speak today out of deference to our distinguished chairman of the Appropriations Subcommittee. She is the finest Senator you will find. The people of Maryland are extremely fortunate. I have watched Senators come and go for 25 years and not one is more effective than Senator MIKULSKI, not one goes about his or her work in a more conscientious fashion. If you look at the subcommittee report itself with regard to this space station, there is somewhat of a cutback, and she is paring it very closely because she is concerned about the finances.

Yet somehow, somewhere, we are going to have to draw a line and stop this binge of borrowing and spending. There is not any question in my mind that the public really does not understand the game we are playing, and they do not understand it because the President of the United States comes categorically before the American people and says we are headed in the right direction, we have finally put the Government, he said in his State of the Union Message, on a pay-as-you-go basis, reducing the debt $500 billion. In reality, the exact opposite is true. We are not going in the right direction, and as we found out this morning, instead of reducing the national debt $500 billion, under the budget agreement, this year and next year we are going to increase the debt by over $700 billion.

Lord knows the distinguished occupant of the Chair, the Senator from North Dakota, has done everything, even proposing a freeze. I voted for this freeze; I voted for my freeze.

You cannot get a discipline out of this Congress when the President himself say there is no need for further discipline; that the country is headed in the right direction and we are on a pay-as-you-go basis. This is a sordid sham and sham both. I just cannot stand for it any more.

I was going to quietly vote to support the distinguished Senator from Arkansas. Somehow the word got around and, ye gads, my office filled up with NASA people, with my personal staff wondering how I would vote, with the Appropriations Committee staff and everybody else from downtown. So I might as well speak my mind so there is no misunderstanding about it.

I am not against the space station, but I cannot afford it. I am not against the Stealth bomber, but I cannot afford it. I am not against the super collider, but I cannot afford it. I am not against one of those war planes. I had to tell my nephew, a Marine captain who was in the gulf, that we can't afford the Osprey. We just cannot afford it. I cannot make mobile the MX missile although I would like to make it less vulnerable. But I cannot afford to put it on rail cars. I cannot afford all of this at a time when I am riding home seeing people sleeping on the sidewalks and, as the distinguished Senator from Arkansas has pointed out so eloquently, at a time when we cannot get adequate vaccinations for our children.

The Senator from Ohio has made the argument for the space station, and when the authorization is requested, I support it. And then I meet myself coming around that corner as a member of the Budget Committee, as a former chairman of that entity, knowing that somebody, somehow, somewhere has got to talk sense. Now is the time, and I guess I will be the one to talk on this floor continually during the several weeks that ensue this summer because people need to be woken up to the gravity of our fiscal mess.

In 1989, when Mr. Darman submitted his first budget as OMB Director, he claimed that the 1990 deficit would be only $100 billion, and would meet the Gramm-Rudman-Hollings target. Remember these figures? I confronted Director Darman, I said oh, no, the 1990 deficit is going to be over $200 billion. I am no genius. I am just reading closely exactly what CBO and all the others are saying. In the end, the 1990 deficit came in at $277 billion.

That latest budget agreement—last fall's—was a sweetheart deal. It simply did away with the targets altogether. The Congress, the leadership of the Congress of the Senate and the House, together with the President of the United States agreed, mum is the word; everything is fine; we are going in the right direction, we need to do a little cutting of spending, a little new revenue, then sweep the rest under the rug and get us by the election in 1992. Yet today, Director Darman acknowledged that the 1991 deficit will be $338 billion, and the 1992 deficit will be $412 billion.

The very President who comes here and says that we put the Government on a pay-as-you-go basis, reducing the debt $500 billion, turns around and signs into law an increase of the debt limit from $3.1 to $4.1 trillion. And therein is the game that is now afoot. If you want to know what game is going on in this town, the game is to be absolutely sure that you do not exceed that $4.1 trillion, so that the administration doesn't have to request yet another extension of the debt limit prior to the 1992 election.

They are going into dangerous waters. Why are they going into dangerous waters? For the simple reason that if you look at that little machine in downtown Times Square, you will find it spins along like a speedometer showing the escalation of the national debt. It is already at $3.5 trillion.

The Director of the Office of Management and Budget says, oops, we are going to have a deficit of $412.1 billion for fiscal 1992, commencing the first of October. Yet even this huge number does not include major new expenditures on the S&L and bank bailouts. If we have yet another $70 billion technical correction on top of this, we could easily find ourselves exceeding the $4.1 trillion debt ceiling by this time next year. So no wonder they are dragging their feet on RTC sales to the tune of $45 billion this year. Now we know why they are dragging their feet.

The game in town is to drag your feet, freeze the ball, talk about these misestimates and blame it on Treasury, blame it on the Senator from Arkansas. They said, aw, we are not going to save any money with his amendment. I had to correct the director of OMB this morning because the way I add it up with the $1.9 billion, the distinguished Senator from Arkansas puts about $400 billion in the Veterans' Administration and $250 billion in research back at NASA and other entities, so that is $650 billion. So we will save $1.250 billion.

And again the distinguished Director of OMB comes and you have to really listen to what the gentleman says with respect to the deficit. I would like to refer to his exact words because he goes right down the list saying one more time in his testimony—I will read the exact words. Here we are going from $200 billion-plus to $338 billion, to $412 billion not including the Social Security surplus, absolutely in the wrong direction. In the exact words of the Director of the Office of Management and Budget from this morning's testimony, "The budget reforms enacted in 1990 have been working. Further, the structural deficit trend under current law remains favorable."

Now, if he can find favor in going from $338 billion to $412 billion, not to mention new S&L bailout expenditures and who knows what other emergencies might come up, I am not going along with this sham, I can tell you here and now.

So they say to the Senator from South Carolina, "you are not going along? Well, where are you going to cut?" Well, I am going to have to cut—I do not like to cut it—SDI. I received the first award from the SDI advocacy group, but I am going to have to cut some money out of that. We cannot afford it. I see SDI expenditures are going up. They ought to be going down

now that the Soviet threat is in such abrupt decline.

So SDI, space station, super collider, Stealth bomber, mobile MX, Osprey. I have seen all of these things and what they cost and how they escalate on you.

Specifically, since my colleague from Alabama is on the floor, I want to emphasize that with respect to critical needs, what the space program really needs is that new launch vehicle. That is going to cost us $12 billion. I notice the Senator from Arkansas has included moneys for that. By the turn of the century if we do not have that new launch vehicle, we are lost. That is an absolute necessity. The station is a desirability. And I have to make the choices between the necessary and the desirable.

But somebody has to come to the floor, not as an apologist for that "a deal is a deal" mentality out of the summit agreement where you feel like somehow you have broken faith if you tell the sorry truth about our budget predicament. The American people tell the truth, and that is why they do not understand it. That is why there is such a demise in the reputation of the Congress and Government in Washington and even the very, very popular President.

They do not have a popularity or credibility on budget matters. In contrast, when Senator Chiles becomes Governor Chiles, he has to pay the bill; when Senator Wilson becomes Governor Wilson he cannot say "read my lips." He has to go to a sales tax, he has to go to income tax. When Senator Weicker becomes Governor Weicker, he cannot play that sordid game of "read my lips, I'm a good fellow. Reelect me."

I think Government has a better use than to be employed just to be reelected. We have to do something. We have to act.

Instead, that summit agreement locks us in so that we do absolutely nothing. We just get ourselves reelected.

You articulate a concern for education, you say you want to be the education President, the education Senator, but you do absolutely nothing for it. You articulate a concern for all of these particular problems—you identify rhetorically with them, hit-and-run style. You say, "I am for child care. I am for clean air. I am for all of these programs." But you don't actually do anything to solve these problems because there is no money, no will to act.

You have to pay the bill. I proposed, as a Senator, yes, a freeze, spending cuts that I have enumerated here, and, yes, revenues. If you have a better way to do it, fine, I will join in, if you all want to get serious about it. But instead we go willy-nilly down the road saying do not worry about it, just articulate a vague concern, identify with the people who are for the program; they will pat you on the back; they will lionize you as a big hero.

Or we just put it off budget. My senior South Carolina colleague and I, we can put everything off our budget; we can go get Social Security this afternoon, but then we put it on the budget of our little grandchildren. When we say we put an expenditure off budget, that means we put it on the kids and the grandkids.

That is where we have been failed by our friends in the fourth estate. One reporter wrote about the ballyhoo about the deficit. Well, who ballyhooed it? Reporters are the ones who go along with the charade like sheep. They know it is a sham. But they do not report it. They say, "Oh, people, do not worry about that." I know what you are talking about.

The interest cost, Mr. President, is now bigger than the entire budget was when we last balanced the budget. Here was poor President Lyndon Johnson, beleaguered and besieged, guns and butter, guns and butter, in the year 1968.

So we got together and we cut spending. We raised revenues and we gave Richard Milhous Nixon a balanced budget, a $3.2 billion surplus for fiscal year 1969.

I am one Senator—I am getting to be an endangered specie—who has not only recommended, who has not only voted for a balanced budget but has seen that budget balanced in 1969. In 1969, the entire budget was only $183.6 billion, yet today, the interest cost, interest cost alone, is $198 billion. That is net cost. The gross interest cost is $292 billion.

Where is Peter Grace when we need him? Where is Peter Grace? We might catch that fellow on waste, fraud, and abuse. The biggest waste, the biggest fraud, the biggest abuse is the increase in interest costs on the national debt. The increase is what you might call interest taxes. You can avoid income taxes if you do not make any income. You can avoid inheritance taxes if you do not inherit. You can avoid sales taxes if you do not buy. But you cannot avoid interest taxes. You have to pay them.

Yet, no one mentions this tremendous waste. Interest costs in increments of $30 billion. So we know now that when President Bush comes up and submits a budget in February that increases spending by $50 billion, $30 to $35 billion of that sum is going to go to increased interest costs, total waste for absolutely nothing.

Is no one in his right mind? This administration has said let us spend $30 billion or $35 billion more this year strictly on additional interest payments. No one has asked for an increase in an annual budget of $30 billion for new defense or domestic programs. The best I have been able to add it up in the Budget Committee, if you gave everybody everything Senators wanted, depending on how you counted, proposed new programs would cost between $9 billion and $11 billion, and, of course, we won't appropriate that money.

Meanwhile we are going to spend around $30 billion more this year for absolutely nothing, for added interest payments. Then we are going to get by the election in 1992, and the national debt will be right at the edge, at $4.1 trillion. Interest is going to jump up more than $30 billion, perhaps $35 billion. And then the gross interest costs instead of being $292 billion, it is going to be around $320-something billion.

Here today, we know the interest costs will exceed the defense budget. That is how it is going. They do not want to talk about it. They want to get everybody to say mum's the word. They want to say we have favorable conditions, that the budget reform has been working. Do you know what the purpose of that so-called reform was? To gut Gramm-Rudman-Hollings; just put the S&L bailout off budget and talk no longer of targets, talk only about savings.

There is no deficit target this year. You cannot criticize the administration, you cannot criticize the Congress for failing to meet the target. We got rid of the target. I exposed this last October when we were debating the budget deal. We were told this morning that we will trigger the deficit targets back in. Yes. After the election, in 1993 and 1994, for the 1994 and 1995 budgets, we will come back to Gramm-Rudman because we will have gotten past the 1992 election.

So we focused on proposed savings, not actual deficit targets, and the press picked it right up, gobbled it, called it now ballyhoo. That is their ballyhoo. Why did they not say we did away with the discipline? The only discipline, said President Reagan, we had for cutting spending was Gramm-Rudman-Hollings. The only discipline, said George Walker Herbert Bush, for cutting spending was Gramm-Rudman-Hollings.

But now they all throw up their hands like Gramm-Rudman-Hollings was an impossible dream. They had no idea of trying to even fulfill it. Their only dream was reelection. That is the game that is going on in this town. If you have to put an end to the game now with the super collider, if you have to stop it here with the space station, if you have to stop it with a Stealth bomber, so be it. We can debate every one of those matters. We have a greater need to put an end to this borrowing and spending, borrowing and spending, and creating waste, creating waste. This has to stop.

I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, unfortunately, I have to go to a committee meeting that has been scheduled, and it has been very difficult to arrange. But my remarks will be short.

I want to congratulate, first, the chairman and the ranking member, the minority member, of this committee for a remarkable job in reaching a balanced appropriations bill with very, very competing interests on it which are very meritorious.

If we look back and see where we are, directions were given to NASA by Congress, very specific directions, to redesign the space station and reduce the costs. They have followed that direction. They substantially redesigned it where they can be add ons if it is needed, and if we are able to pay for those add ons.

The committee this time comes up, and will be voting on a space station that provides $130 million more than the House version did. And I think it is wise because it would then meet the President's request and would meet, in effect, our obligation of giving NASA the directions to redesign the space station.

I could go into a lot of things about what the space program has produced but there is no question that of all of the programs that we have invested in, we have the greatest payback from the space program of any programs that the Government has financed. You just stop and think where we would be today if we had not had the space program—the satellite concept in space, the satellite dishes at home, the digital watches, the pacemakers, just to mention a few.

I will put into the record a great number of various programs. But just one, nuclear magnetic resonance, a diagnostic body scanning device that would not be with us if it had not been for space.

Just in firefighting, this is interesting to me, is protective clothing for firefighters, fire blocking fibers for clothes and upholstery, breathing apparatus for firefighters, and so on, just to mention a few.

As I look toward the future and what we have to consider, I think Senator GLENN hit it when he said we will be searching the unknown. But every development, every period of the advancement of mankind has come about from exploring the unknown.

In 1992, we will celebrate the 500th anniversary of the discovery of America when Christopher Columbus departed on a trip into the unknown. Why, therefore, as we look at the space station, should we say go forward with it if we do not know?

We realize that there are some basic sciences that have been developed that justify our examining the unknown. These largely fall in the field of microgravity or zero gravity. One is the growth of cells, and the second is the process of electrophoresis, which is the ability to separate the cells into their smallest integral parts. Those two concepts, in my opinion, justify the dedication of resources to discover the unknown. I think that those alone have such a great potential that we ought to move forward in this instance.

Just the argument that Senator GLENN made about white blood cells is an amazing potential. To me, we will make a sad mistake.

Mr. President, let me also mention one other thing before I close. There are a great number of organizations who support the space station. We have heard about some that are against it, and there are some that—because of the fact that their field of endeavor is put on a little less priority, therefore a number of them have come out against it. But the Council of Engineering and Scientific Organizations, which is a body composed of a great number of engineers and scientists, has supported the space station: the American Institute of Aeronautics and Astronautics; the American Physiological Society; the American Institute of Biological Sciences; and to my amazement, the American Academy of Otolaryngology.

I was interested to determine why the neck and head surgery groups, who deal with the throat, and the others, because they see so much potential to develop in regards to their areas that can occur at a space station.

I think it would be a serious mistake to stop the space station now.

I agree with most everything that the distinguished Senator from South Carolina said about our budget. He said, if you added everything that people wanted to the budget, it would amount to about $9 billion or $10 billion. But he said the interest is what is eating us up—the nonproductive element of the budget. I agree. And I think the answer is a constitutional amendment to balance the budget.

On the other hand, if I were to cut everything that he said has to be cut, it does not amount to that $9 billion or $10 billion. I think we have to get to the heart of the issue on deficits, and I think we have to approach it in that manner.

I think it is very important that we look toward deficit reduction. But, at the same time, what is also causing the deficits today is the reduction of anticipated revenues coming to the Government, which is a result of a slowed-down economy.

In regards to the future, if we cut off research and cut off the development of this country, we are cutting off our economy for the future, and we are cutting off revenues that would be coming in. If you were to list the total revenues that have come into the American economy—which then translate into the income tax or other taxes—that the space program has produced, we see that really we are cutting off our nose to spite our face when we stop looking at sources of revenue which come from research in the future.

So I urge my colleagues to defeat this amendment and let us move forward and adopt this budget that this Appropriations Committee has so excellently crafted.

Mr. President, I ask unanimous consent that a list of groups supporting the space station, along with some letters, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUPS SUPPORTING SPACE STATIONS

Council of Engineers and Scientists Organizations:

Aerospace Profession Staff Association.

Association of Scientists & Professional Engineering Personnel.

Engineers & Architects Association.

Engineers & Scientists of California.

Engineers & Scientists Guild.

Int'l Federal of Professional & Technical Engineers.

Southern California Professional Engineering Association.

Seattle Professional Engineering Employees Association.

TVA Engineering Association, Inc.

WEA Professional Lodge.

American Institute of Aeronautics and Astronautics, Dr. Peter R. Kurzhals.

The American Physiological Society, Martin Frank, Ph.D., Executive Director.

The American Institute of Biological Sciences, Charles M. Chambers, Executive Director.

The American Academy of Otolaryngology—Head and Neck Surgery, G. Richard Holt, M.D.

COUNCIL OF ENGINEERS AND SCIENTISTS ORGANIZATIONS,
Westminster, CA, July 15, 1991.

Hon. HOWELL T. HEFLIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HEFLIN: Contrary to recent press accounts, America's scientists, engineers and production workers do support Space Station Freedom.

During the last stages of Congressional action on the FY92 NASA budget, a handful of officials from some academic and professional societies have embarked upon a course to kill Space Station Freedom. They claim to speak for all American scientists and engineers, a claim that is totally unsubstantiated.

The Council of Engineers and Scientists Organizations (CESO), whose member unions are the recognized bargaining agents for 80,000 scientists, engineers, technical, and professional employees, is totally committed to completing Space Station Freedom as configured by order of the Congress.

The current attack on the space station is another form of the continuing opposition to a manned program by some in the academic community. They are now trying to create a false dichotomy between theory and practice. We believe that enemies of the space station favor the funding of theoretical science over applied science. Theoretical science funds the research of professors whose focus is scientific theory, whereas applied science utilizes scientists, engineers,

and production workers in the actual construction of technological systems.

What is most unfortunate, however, is that opponents of the space station are trying to divide the academic community from those scientists and engineers engaged in the practical application of the scientific process. Theory and practice go hand in hand. We believe that there must be a balance between the two. Our goal is to put theory into practice. To do so, we must preserve our aerospace industrial base. We cannot continue to create theoretical models of space stations or national aerospace planes only to see them produced abroad. This is what happened to the engineering drawings of the VCR and the compact disc. America needs both an engineering base and a manufacuring base to produce the products we envision.

As scientists and engineers, we have joined production workers who are also engaged in constructing Space Station Freedom as well as other NASA programs requiring the creation of launch systems and other vehicles used in human space exploration.

The professorial opponents of the space station are now approaching the Senate seeking an amendment to zero out the station. Despite the failure of a similar move in the House of Representatives, this group has succeeded in obtaining recognition by both the electronic and print media. Together they are creating the impression that there is no support for the station. In fact, on McNeil-Lehrer's extensive report on the upcoming Senate vote, Dr. Robert Park, a self-appointed spokesman for the opponents of the station, said, "I know of no constituency that is behind the space station as it is currently envisioned." His ridiculous assertion went unchallenged. This statement flies in the face of a multi-state workforce coalition that has been working feverishly to preserve the station. This coalition of unions represents aerospace production workers as well as engineers and scientists.

The coalition's objectives go beyond constructing the space station and include all elements of a manned program. Our coalition includes the aerospace prduction workers building the shuttle, shuttle boosters, and all of the other subsystems which flow directly from constructing and operating the space station. Members of the Senate subcommittees dealing with NASA are well aware of our activities. Unfortunately, the media has chosen to ignore our existence.

Space Station Freedom is the key to preserving America's lead in space exploration and securing meaningful careers for the next generation of scientists, engineers, and aerospace production workers. I urge you to support Space Station Freedom.

Sincerely,

HAROLD J. AMMOND,
Legislative Director.

THE AMERICAN ACADEMY OF OTOLARYNGOLOGY—HEAD AND NECK SURGERY, INC.

Alexandria, VA, May 22, 1991.

I am writing to urge you to support the full funding for the Space Station Freedom. I have enclosed a copy of the testimony I recently gave before the Senate Appropriations Subcommittee on behalf of the American Academy of Otolaryngology—Head and Neck Surgery. Our views generally reflect that of the entire medical research community who feel that the Space Station will allow such a unique platform for the conduct of space biomedical research that is so sorely needed to assist our understanding of any vitally important human health issues. The Space Station gives the very best opportunity to carry out this research in a meaningful way with the real possibility of an accelerated transfer of knowledge and technology to the health care of millions of Americans in the very near future.

Thank you very much for your consideration of this testimony and, hopefully for your support of NASA's cooperative research efforts with the private academic and medical research sectors in the Space Station initiative.

Respectfully yours,

G. RICHARD HOLT, M.D., X.S.E.,
President-Elect, AAO-ENS.

TESTIMONY OF G. RICHARD HOLT, M.D., M.S.E. PRESIDENT-ELECT, AMERICAN ACADEMY OF OTOLARYNGOLOGY—HEAD AND NECK SURGERY AND CLINICAL PROFESSOR OF OTOLARYNGOLOGY—HEAD AND NECK SURGERY THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER, SAN ANTONIO, TX, BEFORE THE SUBCOMMITTEE ON VA, HUD, AND INDEPENDENT AGENCIES, HOUSE OF REPRESENTATIVES, MAY 2, 1991

Mr. Chairman, members of the Committee, ladies and gentleman, I am Dr. Richard Holt, Clinical Professor of Otolaryngology—and Neck Surgery, The University of Texas Health Science Center at San Antonio. I am here today as President-Elect of the American Academy of Otolaryngology—Head and Neck Surgery, the largest organization of physicians and scientists treating disorders of the ears, nose, throat, face and neck in the world. I am pleased to appear before the Committee today to support the scientific and clinical necessity for the contiuned strong support of NASA's Life Sciences mission.

I have just recently returned from the Persian Gulf War where I served as a combat surgeon as an Army Reservist. During the three months I participated in Desert Shield and Desert Storm, I essentially was without any information on the appropriations process for NASA funding, something I have followed quite closely each year. Therefore, I have just recently obtained a great deal of information from many sources about NASA's budgetary status for FY 1992.

It has become apparent, at least to our organization and other medical scientific societies in the country with which I have discussed this topic, that NASA's Life Sciences continues to be threatened in its essential missions by funding problems. It may not be clear in this process of reviewing the short-term and long-term goals for our national space program just how important the basic and applied research performed by the Life Sciences Division is to American medicine and science, but we hope to join other groups in presenting this fact to you.

In the past, I have testified before this Committee on the potential medical benefits of directed space biomedical research to the knowledge and practice of medical care in the United States. This includes research in bone loss, muscle strength, cancer-induction by solar exposure, balance disturbances cardiovascular deconditioning, and tissue healing. These and many other research activities are primarily supported by the Administration's FY 1992 request of $184 million for NASA Life Sciences and includes the important and fundamental ground-based research as well as research during limited flight opportunities. The ground-based research provides the excellent opportunity for scientific interfaces from NASA funding for research carried out in conjunction with major universities and research groups across the country. Such cooperative research stimulates the entire biomedical and biotechnological interest in applying fundamental knowledge to direct applications for the advancement of medical treatment of Americans.

As a graduate-level engineer myself, I understand and appreciate the importance of the "hard science" budget of NASA's engineering divisions. However, as a physician and surgeon, I am very concerned with our need to better understand the fundamental physiology of the body so that we may better care for our patients. We have seen direct results in medical knowledge come from the Life Sciences' research and urge you to keep the funding for this important division of NASA high so that we all may continue to benefit from this excellent science.

I want to inform you of the development of a new organization, the National Coalition for the Support of Space Biomedical Research. This organization is growing out of a perceived need to better support and ensure the future development of space biomedical research. We will enroll scientific and medical societies with broad research interests who appreciate the importance of this research to American science and ultimately to the American people. Undoubtedly you will see and hear more about this organization as it develops.

Finally, we would like to emphasize the need to remember that Life Sciences is the enabling body to provide for long duration manned exploration of space. Without its activities, astronaut presence in these activities cannot be assured. As the shuttle flight opportunities for Life Sciences' projects are scheduled to decrease over the next five to ten years, we must be cognizant of their mission in providing for the health and safety of the astronaut as well as a better understanding of the human body's function in microgravity.

Scientifically, we believe that Life Sciences activities on the space station should have prime importance, and until those opportunities occur, we hope it will be possible to arrange for Life Sciences' missions to monitor the astronauts in unmanned but man-tended activities during construction of the space station.

Thank you very much for your past support for this opportunity to again strongly support their mission for the future.

WRITTEN STATEMENT OF THE AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES FOR THE SENATE COMMERCE, SCIENCE, AND TRANSPORTATION SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE REGARDING THE REDESIGN OF THE SPACE STATION FREEDOM, APRIL 16, 1991

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to comment on the redesigned Space Station Freedom (SSF) as it relates to meeting the basic research requirements of the life sciences. AIBS, a federation of 45 scientific societies and research laboratories representing over 80,000 professional biologists, is dedicated to "the advancement of the biological sciences and their application to human welfare."

AIBS agrees with the assessment of the Augustine Committee that the most significant feature of the space station involves research to determine how human physiology functions in space, a significant factor for future exploration of the solar system. Uncertainties regarding the feasibility of long duration human spaceflight, such as the effect of solar flares or the impact of galactic cos-

mic radiation, must be determined before more complex exploration of our solar system may proceed. Basic biological systems of plants and animals are altered in microgravity producing a vast array of responses. All living organisms are composed of complex systems, each of which has evolved in the presence of gravity. Under the effects of microgravity, many of these systems function in an altered manner. Studying human physiology and other basic biological processes in microgravity and obtaining the needed life sciences information for long duration human spaceflight missions is the primary goal of the space station. As the Augustine report concluded, "[T]he Space Station is a critical next step if the U.S. is to have a manned space program in the future."

NASA's decision to include a variable-speed centrifuge in its redesigned space station plan is critical for life sciences research. The centrifuge will allow controlled studies on whether factors other than weightlessness, such as radiation or the mix of gases in the spacecraft cabin, contribute to negative side-effects experienced in space by astronauts. The centrifuge will also allow exposure to fractional g-forces for varying periods of time thereby facilitating the study of both short-term and long-term effects of microgravity on biological systems.

AIBS also shares some of the concerns expressed by the Space Science Board regarding the centrifuge. Since the centrifuge will not be available for use on the station until after the year 2000, life science research will be delayed until that time. In the interim, we would like to see the Spacelab Life Sciences (SLS) Space Shuttle missions continue their research. AIBS is concerned that the present schedule for the SLS flights allows for a five-year gap between the last SLS flight and the fully operational space station. Not only will needed research be forgone, but the lull may discourage young scientists from the space biology program. Dedicated spacelab missions provide a critical capability for conducting research needing only short periods of time, leaving those experiments requiring long periods of time to the station.

Although AIBS agrees with the Space Science Board that the design of the centrifuge is vague, we do support the redesign so long as the centrifuge is capable of supporting a wide variety of species and may run continuously for several months. We are also concerned with the sharing of limited power among various laboratory modules. We trust that there will be sufficient power to conduct the long-term biological experiments which are the top priority for the station.

AIBS is also concerned with the potential to allocate funds from other science research projects, especially in light of funding limitations imposed on discretionary spending by the Budget Enforcement Act of 1990. We are concerned that the centrifuge and other necessary equipment are not contained within the present funding plan. We trust that NASA's budget will be allocated to meet its life science needs while retaining other science research projects.

AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES,
May 23, 1991.

Hon. BOB TRAXLER,
Washington, DC.

DEAR CONGRESSMAN TRAXLER: The American Institute of Biological Sciences (AIBS), a federation of 45 professional societies and research laboratories representing over 80,000 professional biologists, is concerned about proposed cutbacks in funding for the Space Station Freedom.

AIBS strongly supports the space station. We believe that the potential advances in basic science research justify financial support for the station. All living organisms are composed of complex biological systems which have evolved in the presence of gravity. The space station will allow these systems to be studied under the effects of microgravity, a vital step for long-term human exploration of space.

Enclosed is a copy of our statement regarding the Space Station Freedom to the Senate Commerce Subcommittee on Science, Technology and Space submitted earlier this year. It was offered as a constructive assessment of a project we hope will have maximum utility and effectiveness. If our comments are useful to your deliberation, we would be pleased to elaborate on them.

Sincerely,

CHARLES M. CHAMBERS.

AMERICAN PHYSIOLOGICAL SOCIETY,
Bethesda, MD, July 1, 1991.

Senator ROBERT BYRD,
Chairman, Senate Appropriations Committee, Washington, DC.

DEAR SENATOR BYRD: The American Physiological Society urges the Senate Appropriations Committee to fully fund the $2 billion budget request for Fiscal Year 1992 for the National Aeronautics and Space Administration's Space Station Freedom and the $184 million budget request for the Life Sciences Division.

The nation's stated goals of colonizing the moon and sending manned space flights to Mars within the next 25 years is dependent upon a space life sciences research program designed to ensure the health of crew members in extended periods of zero gravity, to protect them from long term radiation exposure, to develop reliable life support and medical care systems, and to predict human behavior in isolation. A prime focus is the change in human physiology in space, such as loss of body fluids, motion sickness, bone demineralization, muscle atrophy, and cardiovascular deconditioning.

A delay in life sciences research needed to assure both the environmental and physical health of crew members in long term flights not only sets back the nation's goals in space, but it also blunts technological and biological advances that benefit mankind.

Knowledge gained from earlier space biomedical research already has had an impact on medical care and practice, especially in the areas of the mechanisms underlying bone loss, muscle strength, cell metabolism, cancer induction, vestibular disorders, regulation of heart function and blood pressure, and tissue healing responses.

Space Station Freedom and its space biomedical laboratory provide unique capabilities for the exploration of a spectrum of gravity dependent variables that would have direct biomedical and biotechnological applications for the medical treatment of a variety of diseases and disorders.

The American Physiological Society, the nation's oldest biomedical science society with a membership of 7,000, urges the Committee to appropriate $2 billion for Space Station Freedom and $184 million for the Life Sciences Division.

Sincerely,

MARTIN FRANK, Ph.D.,
Executive Director.

AMERICAN INSTITUTE OF AERONAUTICS AND ASTRONAUTICS,
June 17, 1991.

Hon. BARBARA A. MIKULSKI,
Senate Office Building, Washington, DC.

DEAR SENATOR MIKULSKI: In my role as Space Station Freedom Program Coordinator for the American Institute of Aeronautics and Astronautics (AIAA), I have been reviewing the arguments by various science groups which oppose this vital national space mission. Although those arguments have some merit in a short-term view of space science options and priorities, they clearly do not address the long-term need of the United States to maintain it's leadership role in space!

Specifically, in the critical area of the life sciences required for the successful manned exploration of the universe, only Space Station Freedom can provide the extended on-orbit time and equipment to effectively enable human survival in space and to demonstrate the closed-cycle systems performance essential for future manner ventures to the moon and Mars. While current Soviet missions on their Space Station MIR will provide insight and data on human operations in space, only the United States now has the advanced crew technology and measuring techniques to translate long-term space experience (through the crew health evaluation and closed-loop of life support system being built for Space Station Freedom) into the basis for future human space exploration!

Similarly, in the zero gravity arena, Space Station Freedom offers the unprecedented advantage of continuous human experimentation with promising production techniques which can yield new materials, medicines and processes to benefit all of us on earth and can enable major related commercial ventures . . . much in the same way that early space developments for Apollo helped launch America's electronics industry!

The same manned advantage applies in external experiments, where continuous human involvement can significantly accelerate measurements needed for cargo-scale mapping of earth and space, and can permit on-site correction/tuning of associated instrumentation to optimize in-orbit observations.

Finally, Space Station Freedom is this country's primary mechanism for the popular exploitation of space through small and rapid-response payloads which can provide low-cost access to space opportunities for our students, scientists and centers of excellence. Taken together, these potential payoffs clearly warrant our continuation of Space Station Freedom. I urge you to support this key step towards our country's future! The AIAA plans to hold a workshop to provide specific recommendation for utilization of the critical national resources presented by Space Station Freedom this Fall and we invite you to join us in this endeavor.

DR. PETER R. KURZHALS,
AIAA National Program Coordinator for Space Station Freedom.

HOUSTON, TX.

P.S.—The attached charts illustrate AIAA's view of Space Station Freedom for the first three decades of free-world involvement. We would welcome your feedback and advice on this approach.

SPACE STATION FREEDOM UTILIZATION OVERVIEW

The primary purpose of Space Station Freedom is to evolve and validate the technology required for the long-term human ex-

ploration and exploitation of Space. This purpose requires a phased approach geared to provide the design concepts and experience essential for man's survival in Space and on Earth. Associated missions fall into the broad categories of micro-gravity, life sciences, external operations and small and rapid-response payloads which can stimulate new ideas and applications through low-cost access to Space. Individual, science, commercial and government ventures will benefit from this broadbased in-orbit capability.

EARLY EXPERIMENTS (1995–2000)

The initial phase of Space Station Freedom operations will concentrate on the establishment of the experimental techniques which can best take advantage of America's first permanent manned presence in Space. In the micro-gravity arena, planned payloads will explore new materials through combustion science and crystalography, will evolve new medicines through biotechnology, and will investigate new processes such as flow cytometry and advanced electrophoresis for future in-Space manufacturing. In the life-sciences arena, initial missions will gather data on human micro-gravity tolerance, physiology and dosimetry required to live in Space. In the external arena, Space Station Freedom measurements will collect interactive data on cosmic radiation, astrophysics and Earth phenomena. And in the small missions category, Space Station Freedom will provide the gateway for innovative Space experiments generated by our Universities and Centers of Excellence.

PROTOTYPE TESTING (2000–2005)

Following the Space Station Freedom shakedown during man-tended operations, permanently manned capabilities at the turn of the century will enable the prototype testing of new processes for Space habitation. In micro-gravity, these processes will focus on bio-engineering, materials and combustion advances along with commercial crystal growth and vapor transport. In life sciences, these processes will define cardiopulmonary, cell, muscular gravity and radiation phenomena required for human existence in Space. In external operations, the processes will catalogue long-term meterials exposure, ozone depletion and magnetic-field impacts. For small missions, principal payloads are expected to focus on chemical, fluid and crystal growth processes.

SYSTEM EVOLUTION (2005–2015)

The next step for Space Station Freedom will address new systems required for human Space use. In micro-gravity, this step will encompass medicine, materials and commercial propulsion production not possible on Earth. In life-sciences, this phase will evaluate the closed-loop performance of water, air, food and waste cycles essential to human survival in Space. For external operations, this phase will address exploration tracking and Earth monitoring from Space. And for small and rapid response missions, this phase will focus on specific operational concepts for laser dynamics, Earth resources, metal formation and pharmacokinetics in orbit.

CAPABILITY VALIDATION (2015–2025)

The final phase of Space Station Freedom applications will concentrate on the verification of the capability for human space exploration and exploitation. In micro-gravity, this phase is expected to provide the capability for free-flyer servicing and Lunar/Mars applications. In life-sciences, principal missions will gather long-term performance data on closed-loop ecological systems, behavior and partial gravity impacts. In external operations payloads will validate large-scale global mapping, robotics contributions and on-orbit construction techniques. And in small missions, the emphasis will shift to production deployment of new concepts and ideas at minimal cost.

Space Station Freedom will pioneer man's future in Space by supporting more than 5000 experiments and accumulating over 8 million crew hours in-orbit during its 30 year mission. While current mission plans may well be modified by real-time experiment results, the fundamental Space Station Freedom role will always remain to establish the know-how needed for America to remain A Leading Space-faring Nation in the coming decades!

NASA TECHNOLOGY SPINOFFS INTO THE AMERICAN ECONOMY

Mr. HEFLIN. Mr. President, we have all marveled at the technology developed by the National Aeronautics and Space Administration [NASA] that enabled an American astronaut to boldly place the flag of this Nation on the Moon, to develop the means for the flight of the space shuttle, and to unlock the secrets of using micro-gravity to enhance life on the Earth.

These accomplishments, Mr. President, conducted in full view of the world via television, have all resulted in an impact on our society which exceeds the momentary increase in our national pride. All of these events have had a residual effect by bringing billions of dollars back to the marketplace through the transfer of space technology, and improved the quality of life in a way unmatched by any other Federal agency.

NASA has a highly successful program which transfers literally thousands of technology advances to the private sector from the space agency. This technology transfer is a hallmark of a healthy, civilian space program, and it reaches all levels of our industrial base. The rapid transfer of NASA developed technologies is a major contributor to our industrial competitiveness. This is an important factor in making America competitive with the rest of the free world.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of 74 such space spinoffs, provided by NASA's Office of Commercial Programs, for my colleagues to consider.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Rechargeable cardiac pacemaker.
Ambulatory heart monitor.
Microminiaturization of the insulin injection system.
Programmable pacer, reprogrammed without surgery.
Human tissue simulator to help relieve chronic nerve pain.
Implantable heart aid (defibrillator).
Programmable implantable medical system for precise, automatic injection of medicine to target organs.
Nuclear magnetic resonance, a diagnostic body scanning device.
Digital image processing technology breakthroughs.
Slow scan telemedicine.
Automatic gas analyzer.
Miniaturized valving technology.
Infant radiant warmer.
Cordless surgical drill.
Microbe detector (body fluid sample analysis).
Apparel for clean rooms.
Flame resistant polymide foam.
Penetrating fire extinguisher.
Fire detector for invisible hydrogen flames.
Smoke detector.
Industrial gas leak detector.
Visual alert system for the hearing impaired.
Underwater Sonar locator system for flight recorders.
Life rafts that won't capsize in heavy seas.
Safety grooving of highways to reduce skidding.
Protective clothing for firefighters.
Fireblocking fibers for clothes and upholstery.
Breathing apparatus for firefighters.
"Hard Shell" pressure suits with fluidic joints for divers.
X-ray inspection system for airports.
Metal-coated plastic film technology used in stadium blankets, tents, wall coverings, drapery liners, window shades, candy wrappings, food packaging.
Personal cooling system, "Cool Vest" for race car drivers.
Footwear spinoffs from the moon boot.
Window film to reduce glare and heat from the sun.
Computerized beauty makeover.
Technology for portable ice rinks.
Riblets, tiny grooves, for racing yacht Stars and Stripes.
Abrasion-resistant coating for sunglass lenses.
Space image processing for geology, archeology, and pipeline monitoring.
Aerospace-aided instruments for air quality monitoring and noise abatement.
Anticorrosion coating used for bridges, ships, oil rigs, and for the interior of the Statue of Liberty.
Water hyacinths and other aquatic plant research for sewage treatment.
Space derived sewer monitor.
Vacuum chamber technology for crop drying.
Robotic sow, artificial nursing machine for piglets.
Improved fishing net with better weight and strength.
NASA–USDA developed computer aided crop spraying to cut wasteful and environmentally unacceptable drift of chemicals.
Irrigation system technology that cuts wear on machinery.
Air bearing flotation technology.
Heating chamber insulation materials.
Tele-Robotic welding system.
Microscopic plastic beads used as reference standards for calibrating sophisticated instruments.
Industrial pumps technology.
Magnetic liquids (ferrofluids).
Heat shield technology widely used for homes and office buildings.
Space telemetry used in an automatic oil well production reporting system.
Power amplifiers to reduce TV station transmission costs.
Power factor controller that senses the motors electrical needs.
Heat pipes for the Alaska Pipeline prevents pipe breakage.
Safer bridges from research in material strength.

Fabric structures technology.

An aluminum color anodizing process to increase weather protection for commercial buildings.

Bolt stress monitor for the construction industry.

Flat conductor cable for design and safety improvements.

Wind engineering assists with building designs and safety.

Stirling engine research for a more fuel efficient quieter, and environmentally safe engine for cars, trucks, and buses.

Space derived turbopumps for high speed crewboats and supply vessels for the offshore oil industry.

Cryogenic fluid storage and handling for natural gas tankers.

NASA Structural Analysis (NASTRAN) for design and predicting performance using computer modeling for cars, steam turbines, the U.S. Navy's Kidd Class destroyer.

Computer program enhancement through NASA's computer.

Software management and information center (COSMIC) for:.

Pile driving techniques for offshore oil platforms.

Prediction of noise levels in manufacturing areas.

Interpreting satellite data on changing conditions of waterfowl habitats.

How various chemical structures hold up when used in plastic containers.

Mr. HEFLIN. So, NASA must push science, technology, and space engineering to the limit. It will cost enormous amounts of money, but the payoffs are even more enormous. Studies have repeatedly shown the payback to the economy to be in the nine to one range, affecting everything down to the wrist watch that you are wearing, and the car that you drive. But how do you measure the value of the lives that can be extended and even saved by microgravity science research in the fields of cancer and other critical health matters? And perhaps as important, space technology has given us the ability to transmit television pictures instantaneously between continents by space satellites, opening up a new world of communication and understanding that is directly related to and in part responsible for the downfall of totalitarian governments in Eastern Europe. The dramatic Middle East events also demonstrate the value of immediate communication throughout the world, brought to the global population by NASA developed technology.

Just as Project Apollo took America to the Moon, and the space shuttle takes America regularly to Earth orbit, the space station Freedom Program stands ready to take its place as an inspiration for technology development. The cost of American preeminence in space is unmatched by the gains of this Nation and all of mankind will receive by continued support of a balanced space program with space station Freedom as its centerpiece.

SPACE STATION TECHNOLOGY AND COMPETITIVENESS

Mr. HEFLIN. Mr. President, I want to speak for just a few minutes on technology and competitiveness. My basic premise is not new, but it is important: Leadership in technology is the key to America's future as a world leader. We have all heard many speeches on this subject. And the conclusion of most everyone who has spent any time analyzing the issue is that the most basic ingredient of international competitiveness is to be first in technology. And to be first means that you have to invest your resources in the arena of science and technology.

Now what does all this talk about technology and investment mean when we are facing multi-billion dollar deficits? We are all very aware of the immense problems in our Nation such as poverty, inadequate housing, toxic waste dumps, and unavailable health care. Is it not our duty to first solve these social problems and then deal with the issues of technology and competitiveness?

How tempting it would be to go down that road and trade off our investment in the future to deal with today's needs. All of us in politics know how much the folks back home want that new road, and want decent housing. And Mr. President, I have supported the programs for roads and housing. But what I am here to urge as strongly as I can is that you can't put the cart before the horse and hope to get anywhere. The health of our society—and the continuing source of the revenues needed to pay for our social needs—absolutely depends on our investments in science and technology. It is precisely when we are leaders and innovators that we create wealth and jobs and the kind of strong economy that enables us to also build roads and houses and provide quality health care and a clean environment.

But we cannot have that strong economy unless we are willing to continue to make investments for the future of this great country. We cannot trade an investment in the space station—an investment in the future—for a short-term attempt to solve today's problems. That is a tradeoff we simply cannot make.

That, Mr. President, is what this debate is all about.

We have a bill before us in which the funding provided for science and technology was about as good as one could expect. Although space station Freedom was fully funded, many of us would have liked to see more dollars for some of the other NASA space science and advanced technology programs. But we are all very well aware of the budgetary constraints under which the committee was operating. We should note that even though the bill before the Senate funds NASA at a level about $435 million above the House-passed bill, still NASA is getting a $1.4 billion reduction from their request. Thus, we need to put this whole issue of how and where we invest our national resources in proper perspective.

What we approve today for NASA will be money provided to an agency that has been and is a growth producer and a revenue producer. Unless we are willing to make this kind of investment on the growth and revenue side of the ledger, our economy will inevitably wither and there will be even less dollars to take care of the social needs of our Nation—the requirements in the HUD and the EPA and the VA portions of this bill. I urge that you not try to take any more money from the science and technology side of the ledger. That is our seedcorn for the future. Let us make sure the horse stays in front of the cart.

I have spoken earlier during this debate on the bill about the tremendous spinoffs our economy has received from the space program. In nearly every case, NASA has moved very quickly to push the new technology developed in the space program back into the civilian community and the economy. When we look at a major endeavor like space station Freedom or any of NASA's other major space science projects, it may be hard to visualize just what new technologies will result. But be assured that they will come, just as surely as they have over the past three decades of the space program.

Our decision today in support of the space station and the rest of the NASA budget will pay dividends that will enable this great Nation to continue to care for our future social needs. So let us not take any more dollars away from this investment for the future than our budget process has already forced the committee to take. Our economy is waiting for an infusion of major new investments in science and technology. The Congress has already delayed the space station program far too long and has meddled far too much in what kind of program it should be.

It is time to get on with giving NASA the resources it needs to move forward with this exciting new project and all the other important pieces of the civil space program. I am absolutely confident that we will not regret this decision for one moment. We will be able to look back with pride—knowing that we played some small part in moving America forward.

NASA AND ITS FUTURE

Mr. HEFLIN. Mr. President, in the time of Columbus, some 500 years ago, only a tiny handful of individuals had the vision to see beyond the constraints of their time, to envision how new explorations and new knowledge might open up new routes to economic prosperity and thrust a nation into the forefront of an era. That spirit was stronger than ever at the end of the 18th century when the United States was formed and the task of building a civilization across this continent began in earnest. Although it has been 100

years since that Western frontier vanished forever from the maps of North America, that heritage—the heritage of the explorer and the builder—endures within us even today.

Nowhere today does that spirit burn more brightly, nor is the heritage of the explorer and the builder embodied more profoundly, than in the U.S. space program. And it is with the U.S. space program—with the men and women of NASA—that we as a nation seek most frequently the vision of where we as a people could be in 50 years or in another 500 years.

We all remember the vision illuminated in the motion picture "2001—A Space Odyssey." Created in the 1960's, Arthur C. Clarke's vision of an ambitious future in space rings true today. That same vision was shared, of course, by Dr. Wernher von Braun, one of the towering figures of the early U.S. space program, as well as by everyone at NASA. That is hardly surprising. What is truly exciting is that the vision was also shared by so many other Americans. We who are not scientists or aerospace engineers share just as deeply in that underlying faith in our future as explorers and builders. What is truly disappointing, however, is how far short of Clarke's and von Braun's vision we will fall when the year 2001 arrives in reality.

If we are to succeed in the next century, we must have a clear vision of the future as it might be and work today to build that future. Today our space program is the best in the world, but in the next century it might not be. 25 years from now—in the year 2016—we could be accomplishing exciting, inspiring endeavors in space. But where in fact will we be?

If we envision great accomplishments in the coming century, what steps must we take now, in this decade, to make those goals achievable? The central, crucial answer to that question is simple. We must make a renewed commitment to the development of advanced space technologies. To expand our frontiers in space, we must challenge conventional technologies, conventional approaches to our space endeavors.

However, any call to action must be accomplished by sound fiscal planning. If we are to build the future, during the next several years, NASA's budget must grow faster than the 3 percent that is in this appropriations bill. Certainly, the Congress must provide adequate funding for important ongoing programs. However, we cannot let the future languish or it will be lost. As was so cogently noted by the recent report of the Augustine Panel we must also make key near-term investments in new advanced research and technology programs and in new transportation systems. In conjunction with NASA's efforts to reduce the costs of current operations, we must strive to grow the NASA budget for the next several years. Making these investments will not break the bank, but failing to make them might very well break the future.

Moreover, despite our accomplishments, today the art of space engineering is new and relatively immature—comparable perhaps to the state of aeronautics engineering in the 1920's. We have real problems that must be addressed. Space station Freedom, still the next logical step, has undergone a painful period of redesign. It is now on a sound footing and can and should move forward with our full commitment.

In addition, we must recognize that there are other issues that must be addressed. Launch costs are too high and launch operations are too complex and time-consuming. If we are to acheive our goals we must have both low cost, reliable, cargo transportation to orbit and assured access to space for human operations. Together, steps to control internal costs and adequate near-term new investments in advanced technology and new transportation systems can provide the financial foundation for the future of the space program.

The past is beyond our ability to change, but the future is ours to make. Neither Columbus nor we could readily or accurately foresee where we might be at the end of the next 500 years. However, no less than von Bruan, we can and we must foresee where we can be in 25 or 50 years. But we must also act. The cliche says that those who fail to learn from the mistakes of history are doomed to repeat them. It is certainly just as true—and perhaps more terrible—that those who fail to anticipate the successes of the future will never achieve them.

Today, it is we who must have the vision to see beyond the constraints of our time, to envision how the civil space program can open new routes to national success and economic prosperity and keep this Nation at the forefront of a new era. We must anticipate what the future could be. We must take the key steps necessary to insure that that future comes to pass.

THE U.S. CIVILIAN SPACE STATION PROGRAM

Mr. HEFLIN. Mr. President, there is growing support for the U.S. civilian space program and a strong sentiment for improving the Nation's competitive stance in the international space community.

The U.S. civil space program enjoys an 80-percent approval rating from the American public and an even higher rating for some specific areas such as the space shuttle and the manned space station, according to a poll conducted by Market Opinion Research of Washington, DC. In fact, 87 percent of those polled believe that the space program helps keep America competitive and 92 percent support the NASA initiative for Earth observing systems which would help us understand the Earth's weather, climate, and environment.

These polling results are a testimonial to the ability of the American people to sort out value from the constant negative press heaped upon them by the ink-stained wretches who represent themselves as having knowledge of matters related to space.

For the past 2 years, it has been difficult to read a newspaper or watch a television news program without being subjected to a barrage of what I would call, NASA-bashing. The media are giving the American people the impression that the premier space agency in the world is incompetent, mismanaged, and incapable of doing anything right.

I submit, Mr. President, that this is a totally false and misleading picture of the most successful mission-oriented agency of the U.S. Government. These news reports are often an unwarranted slander of the most technically competent and capable scientists, engineers, technicians, pilots, and administrators in our Government, and indeed in the world.

It is clear that these assaults do not represent the views of the vast majority of Americans or the substantial majority of this body.

I have here, Mr. President, a letter to the Senator from Maryland [Ms. MIKULSKI], the Chair of the Committee on Appropriations, Subcommittee on Veterans' Affairs, HUD, and Independent Agencies, which is signed by 64 Senators. Several other Senators strongly support the position outlined in the letter, but due to their committee assignments, felt it would be inappropriate for them to sign it.

I would like to quote this letter from so many of our distinguished colleagues, and I ask unanimous consent to have it printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. The letter reads as follows:

DEAR MADAM CHAIR: We wish to express our support for Space Station Freedom, to recognize your considerable efforts as Subcommittee Chair, and ask for your continued commitment to a balanced civil space program.

Space Station Freedom urgently needs consistent policy and funding support to maintain the program's capabilities and schedule and to honor our international commitments. As you know, the program has been restructured pursuant to guidelines formulated by the Appropriations Committee. NASA and its contractors met this challenge. We in the U.S. Senate must do our part in honoring the commitment made to NASA and to future generations of Americans.

We ask for your continued support of a balanced space program and the funding required to keep the program intact and on schedule. We look forward to working with you to achieve this goal.

We must give NASA the resources it needs to do its job. NASA's funding has

fallen by more than two-thirds since Apollo. At that time, the agency received nearly 4 percent of the budget. Now, it is only 1 percent. If we are to expect Apollo era accomplishments, we must provide the funds.

It is impossible for NASA, its contractors and subcontractors, to start and stop major programs based on minor events that affect the budget. It lowers the morale of thousands of employees across America whose labor put us in space, stretched our technologies, and maintained our world position. The starting and stopping adds to our budget deficit and reduces NASA's ability to bring to its work the consistency which is necessary to do the job right.

Innovation, invention, exploration, and research are a risky business. But that's the business NASA is in. There are no guarantees, no insurance policies. Things do not always go right the first time. And yet, we expect NASA to assemble complex systems which have never been assembled before, put them together with limited time and budget, do it under congressional scrutiny of the minutest technical detail, and do it right, the first time—every time.

We in Congress are telling NASA, in effect, that we want total reliability, total safety, and total premonition of all that could ever transpire, while at the same time, expecting invention and discovery to be equally predictable.

While we debate the budget for NASA projects such as the space station, the Soviet Union is already in space with its MIR space station, threatening to take the technology lead, learning some of the things we should be learning, accomplishing some of the things we should be achieving. And if that isn't enough to provoke us to action, other space faring nations are also ready to begin their manned orbiting stations.

NASA has spent 33 years discovering the undiscovered, inventing the uninvented, and in the eyes of the world, enhancing the U.S. stature among men.

How is it, Mr. President, that we have come to the point that this program of excellence has become the target of those who would always find it easier to criticize than to contribute?

The leadership to achieve space goals will come from NASA visionary people, and not some nameless, faceless commission providing advice compromised by committee-style management. NASA must continue to be an organization dedicated to accelerating the development of high risk technologies.

Congress needs to solve the Nation's budget dilemma, but it needs to be selective and far-sighted in doing so. The long-term benefits that NASA programs such as the space station can bring us as a nation should not be overlooked. Inadequate funding today will have the effect of shortchanging us all in the future.

Let us focus on the future. We must wisely invest in the growth technologies of the future. The best way to make this investment is to insure that the Nation's premier science and engineering agency has the funding to avoid cost and scheduling delays of major programs. We can continue to lead the world's space nations, instill that national pride we've all felt before, provide inspiration for the young who want to become engineers and scientists, and, most importantly, keep this Nation's technology base fed with new innovations, permitting the American competitive spirit to soar with the future of NASA.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 8, 1991.

Hon. BARBARA A. MIKULSKI,
Chair, Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIR: We wish to express our support for Space Station Freedom, to recognize your considerable efforts as Subcommittee Chair, and ask for your continued commitment to a balance civil space program.

Space Station Freedom urgently needs consistently policy and funding support to maintain the program's capabilities and schedule and to honor our international commitments. As you know, the program has been restructured pursuant to guidelines, formulated by the Appropriations Committee. NASA and its contractors met this challenge. We in the U.S. Senate must do our part in honoring the commitment made to NASA and to future generations of Americans.

We ask for you continued support of a balanced space program and the funding required to keep the program intact and on schedule. We look forward to working with you to achieve this goal.

Lloyd Bentsen, Daniel K. Inouye, Thad Cochran, Alan Cranston, Wendell Ford, Al Gore, Bob Dole, Jake Garn, Kit Bond, John Glenn, Phil Gramm, Chris Dodd.

Howell Heflin, John Seymour, Slade Gorton, Chuck Robb, J. Lieberman, Connie Mack, Steve Symms, Wyche Fowler, Tom Daschle, John Warner, J.J. Exon, John Breaux, J. Bennett Johnston.

Richard Shelby, Trent Lott, Jack Danforth, Al Simpson, Daniel K. Akaka, Terry Sanford, Bob Graham, Larry E. Craig, Brock Adams, Strom Thurmond, David L. Boren, Quentin Burdick, Conrad Burns.

Kent Conrad, Bob Kasten, Al D'Amato, Warren Rudman, Dick Lugar, Nancy Landon Kassebaum, Pete V. Domenici, Malcolm Wallop, Orrin G. Hatch, Frank H. Murkowski, Mark O. Hatfield, Bill Roth, Max Baucus.

Alan J. Dixon, Bob Smith, Hank Brown, Don Nickles, Dave Durenberger, Arlen Specter, Harry Reid, Don Riegle, Richard Bryan, Jesse Helms, Larry Pressler, Herb Kohl, Mitch McConnell.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, listening to some of these comments concerning the budget and its constraints, I certainly share those concerns. As chairman of the Finance Committee, we face those problems. We are a bottom line committee.

I think an extraordinary job has been done here by Senator MIKULSKI, and the ranking member, Senator GARN, on the Republican side. They have come up with a balanced bill under very difficult circumstances. They have done a better job, I think, than the other body has for VA medical care. There is more for innovative new housing, more for the EPA, and more for space science and other sciences as well.

But, Mr. President, eliminating funds for the space station, I believe, would close the door on a promising part of our future. It would deny not only our current scientists, but future scientists as well, the chance to learn and experiment in this orbiting laboratory. It would kill the dream of manned space travel.

I think the money that supposedly would be saved would likely be frittered away on short-term needs, rather than on long-term opportunities. Probably extra billions would be spent on some magical, mythical new design, an alternative design, the perfect design, which somehow is going to cost a lot less and do far more than the plan that has been developed by NASA.

This debate is not just about program management or marginal dollars; it is about our scientific vision, about our role in the world.

We can gain some useful perspective if we recalled the words of Roger Chaffee, an astronaut who died in the tragic accident about 25 years ago. In his last interview just before that accident, Chaffee commented that Earthly problems look mighty small from 150 miles up. He went on to say, "The world itself looks cleaner, so much more beautiful. Maybe we can make it that way, the way God meant it to be, by giving everyone, eventually, a chance to see it from space."

The American space program recovered from that tragedy, and we went on to the Moon. In the process, we proved to the world that this country had the genius, resources, and the spirit to lead the world in solving problems. We recovered from the *Challenger* accident as well, and our people still give strong support to the space program.

Americans want to lead, not to be left out, when humankind crosses new frontiers. Now we are debating the space station, a program that has been buffeted by Congress, kibitzed by various experts, and now criticized by scientists that fear that possibly their part of research might be squeezed by the station's budget.

Much of the recent criticism has come because NASA followed congressional counsel and advice and instructions to revise that program to cut the costs and stretch out the development.

Even with the new design, under those constraints, the space station,

once permanently manned, will have 4 times more scientific capability than the Soviet Mir space station, 5½ times the capability of Skylab, and 110 times the capacity of the space lab on the existing shuttle.

This space station will serve many goals. Some may be not too easy to quantify. It expands our science, giving us the opportunity for research into the life sciences and microgravity. It advances our technology by driving us to build new devices which will have significant application to everyday life here on Earth. It preserves our international leadership role in basic research in an area with huge commercial possibilities. And it opens the door to the unknown, giving our scientists a platform, a laboratory in space to do things no one can even dream of in advance.

That is why I believe it is so profoundly shortsighted to criticize the space station in simply cost-benefit terms. No one knew that when they built the laboratories used by Einstein, Nobel Prize research would result to such a profound degree. The space station is a laboratory in orbit, a unique opportunity, just waiting to be filled with innovative experiments and exploited by geniuses yet unknown.

During the Revolutionary War, John Adams wrote to this wife, Abigail, saying "I must study politics and war [so] that my sons may have liberty to study mathematics and philosophy * * * in order to give their children a right to study printing, poetry, music * * *."

That same notion of legacies for the future applies to the space program. We study astronomy and physics today so that our children can venture into space and practice science there, and so that their children can enjoy the benefits of the technological advances which the space program makes possible.

The space program is also a crucial part of our overall civilian R&D effort and thus of our future economic prosperity. Let us not forget that, in terms of share of GNP we are spending only half as much as Japan on Civilian R&D. And the Commerce Department concluded last year that we were trailing Japan in developing 11 of the 12 most promising technologies for tomorrow.

Coupled with the practical benefits of space research are the broader notions of national purpose and destiny. We Americans have never been satisfied just being hewers of wood and bearers of water. We have sought—and achieved—greatness in many areas, acknowledged around the world. It did not fall into our laps. We had to work for it. And pay for it.

Of course budgets are tight. They should always be tight. But we shouldn't destroy our bridge to the future for shortsighted reasons.

Some people would keep us earthbound. I want us to soar.

Some think we can learn enough just from instruments in space. I know that we need people there, to tell us what they experience and to inspire us by their achievements.

Some would have us look only at the problems around us. I want us to look beyond today so we can make our lives better tomorrow.

Some would be content to sit and look at our scrapbooks. I want us to add exciting new pages.

There is room in the space budget for space science and the space station. Senator MIKULSKI has done an extraordinary job in that, and so has Senator GARN. There is room in the Federal Budget for NASA and needed domestic improvements. There should always be room for voyages to the frontiers of human understanding.

Only if we continue to expand our vision and our knowledge can we expect to expand opportunities for our people.

If we abandon space exploration to others, they will harvest the new ideas and new products and new jobs.

If we leave the field by canceling the space station, others will pick up the ball and score with it.

Mr. President, if Ferdinand and Isabella had an Office of Management and Budget, Columbus might never have set out on his voyage of discovery. The same arguments could have been made then as are now made about the space station—the cautious, close-to-the-vest approach that is the archenemy of the daring, risk-taking, can-do attitude that has enabled America to meet every challenge for over two centuries.

We did not put men on the Moon by ducking the tough choices and playing it safe. And we will not continue to provide leadership and opportunity for our people unless we are prepared to expand our vision and our knowledge.

The space station is a critical part of that larger endeavor.

We need to build it. We need to put it in orbit. We need to learn from it.

Do not approve this amendment. Do not shortchange our future. Do not kill the dream.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Missouri.

Mr. BOND. Mr. President, I rise first to commend the chairman and Senator GARN for their excellent work in putting together this portion of the appropriations measure. I think they have done an excellent job in resolving some very difficult competing interests. They did so in a way that prioritizes programs of great need, and I believe that the work done by the committee deserves to be adopted by this body.

Some of the things that I have spoken about on this floor previously are the HOPE and HOME Programs. I think that the mark that has come out of the committee does an excellent job of pleading the very real need we find for housing in this Nation.

I commend the Senator from Maryland and the Senator from Utah, particularly, for funding HOME at the $2 billion level, and increasing the money for HOPE significantly over the House-passed level. The increases for modernization of funding R&D operating subsidies and full funding for elderly and handicapped housing is very important.

In addition, the subcommittee and full committee adopted a family unification program that I think is going to offer great benefits in the future by ensuring that families who are threatened with the loss of a child because they do not have adequate housing will get the priority attention they need. Keeping families together is one of the most important things we can do to avoid severe problems in the future.

This past week, I visited people in my State who are primarily responsible for dealing with troubled children, and they report to me case after case where problems with children became insoluble because they were separated from their parents simply because they did not have adequate housing, and thus service agencies took the children away and placed them in foster care.

So I think that what we have done in the housing section, on the VA medical care is very, very important. I strongly support that.

But I also want to address more particularly the question that has been raised today about the space station. I have been advised by the major research universities in our State that they are extremely concerned just about the House action in freezing spending for NASA. They note that that program, the space science program, would be hurt significantly. The OSSA programs, such as the Comet Rendezvous Asteroid Flyby, the Advanced X-Ray Astrophysics, the Earth Observing System, and the LIFESAT are vitally important for scientific research and development.

They have been cited to me in the statement by the Space Science and Applications Advisory Committee which, on June 7, 1991, has stated that the committee has consistently recognized the station is an essential element of the U.S. space program. They go on to say that a program must include the other scientific efforts if it is to be a balanced effort.

The committee has offered to work with NASA and the Congress to assure that science goes forward, that we go forward with the space station and the other significant programs that would benefit from the space station and related work.

Mr. President, at the end of my remarks, I will ask to print this statement in the RECORD.

But beyond that, I want to address some of the questions that may be raised in the minds of my colleagues.

There are several myths that I think we should take on, because they do not square with reality. Let me go down a couple of the myths, so to speak.

Myth No. 1: The restructured space station does not have enough capability to benefit science.

Reality: Space station Freedom will contain three multipurpose laboratories. The United States will receive nearly 50 percent of the European and space laboratory capabilities as part of the international agreement. Freedom may have more capacity than Skylab space lab or the Soviet Mir station.

To say, as has been said on this floor earlier, that since the Russians have already done it, we can learn no more is a gross understatement and underrealization of the capabilities and the capacities that we have. We continue to build upon what other countries and what we are doing and have done in space.

Myth No. 2: Space station Freedom lacks adequate power for science.

Reality: There will be sufficient power; more than three simultaneous space lab missions and more than the equivalent of two Soviet Mir stations.

Myth No. 3: The space station is bad for small science.

The reality: The space station will have an unprecedented availability of on-orbit resources, crew, power, volume, data, lab equipment, et cetera, to benefit small science. Small science is plagued by limited access to space. The space station solves that problem for small-scale, low-budget researchers by providing a research facility in space.

Mr. President, while I was in the private sector, I had the opportunity to work for the Midwest Research Institute, a premier research institution headquartered in Kansas City, MO. One of the things they were most interested in was the opportunity for that relatively small research institute to have access to what space discovery and space science could provide them, in things from materials handling and research, a wide range of applications where they believed that the space station and space experimentation could be of significant benefit to mankind.

Myth No. 4: Prospects for commercial benefit are remote.

Reality: The Soviets have announced plans to produce all of their insulin, all of the hepatitis B vaccine, and 50 percent of their interferon needs on board the Mir space station by 1995. They are many years ahead of us in space-based medical research and development, but the opportunities for the United States in commercialization of such products is enormous.

Myth No. 5: Manned space and space station hurts funding for space science.

Reality: NASA has traditionally funded space science at about 20 percent of the research and development budget. This means space science received the most when the Apollo shuttle and other manned programs were at their highest funding levels. The real problem is more funds are going to nonspace budget items, science, large and small technology, and manned and unmanned space are all underfunded.

Mr. President, I say in conclusion that in these tight budgetary times it is very difficult to make appropriate allocations of funds in a broad range of needs, from direct human needs, such as the VA, the needs for housing, to needs for the future, the hope of our country, the challenge of space, the exploration of scientific endeavor. I believe that the product which has come out of the Appropriations Committee under the guidance of the Senator from Maryland and the Senator from Utah deserves to be supported by this body. I urge that we support the appropriations as passed out of the committee, and I urge defeat of the amendment before us to delete funds for the space station.

Mr. President, I ask unanimous consent that the statement of the Space Science and Applications Advisory Committee of June 7, 1991, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE SPACE SCIENCE AND APPLICATIONS ADVISORY COMMITTEE ON THE FISCAL YEAR 1992 NASA BUDGET, 7 JUNE 1991

The Space Science and Applications Advisory Committee is deeply alarmed by the current status of the fiscal year 1992 NASA appropriation. In particular, the House action of 6 June to freeze fiscal year 1992 spending at fiscal year 1991 levels threatens irreparable harm to the space science program and to essentially all other elements of NASA except Space Station. The committee has consistently recognized that Station is an essential component of the U.S. space program. However, a program which includes the Station but does not include a healthy science effort is an unbalanced program.

The House action would have devastating impacts on the programs of the Office of Space Science and Applications (OSSA). A funding freeze will provide only 44 percent of the funding requested for Comet Rendezvous Asteroid Flyby (CRAF)/Cassini. The $183 million reduction in the request effectively cancels at least one and possibly both of these missions with perishable launch windows. The freeze will provide only 48 percent of the funding requested for Advanced X-Ray-Astrophysics Facility (AXAF). The reduction of $110 million in the request will lead to approximately a 1-year delay in the AXAF launch, and a $200 million increase in the run out cost as a result of inadequate funding to proceed with substantial mirror assembly and spacecraft design activities. A freeze will provide only 57 percent of the funding requested for the Earth Observing System (EOS). The $145 million reduction in the request will gravely impact the Presidential initiative on global change research.

The reduction in requested funding for both the Microgravity Science and Applications and the Life Sciences programs sharply curtails the experimental program scheduled for the Shuttle. Continued funding at the FY 1991 level makes timely development of the experiments for the Space Station impossible. The reduction in funding for Life Sciences would eliminate the only FY 1992 OSSA new start, namely LIFESAT. Substantial decreases in the Life Science and Microgravity program requests are difficult to justify in the context of funding 95 percent of the Space Station request, given the role envisioned for these disciplines in the Station program.

The servicing mission planned to restore full capability to the Hubble space Telescope will be severely compromised by the freeze through its impacts of both OSSA and the Office of Space Flight. Provision of only 67 percent funding requested for expendable launch vehicles will create substantial problems for a number of OSSA programs including Explorers, Total Ozone Mapping Spectrometer (TOMS), Global Geospace Science (GGS), and CRAF/Cassini.

The action of the House Appropriations Subcommittee in cancelling the Station failed to provide for a "balanced" space program; the implementation of the House freeze is at least as deficient in this regard. While the freeze restores the station, it seriously damages other NASA programs. Moreover, the resultant budget and program impacts are not consistent with the high priority which NASA has accorded the space science program nor with the recommendations of the Advisory Committee on the Future of the U.S. Space Program.

The Committee is prepared to work with NASA and the Congress to remedy the present situation. To advocate primarily science programs or to focus primarily on the reinstatement of the Space Station will not achieve a satisfactory NASA program. The near term dialogue with the Senate must be conducted with a broad vision of NASA priorities by all involved, while at the same time dealing realistically with the funding likely to be available.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, will the Senator yield to me?

Mr. GRAMM. I yield to the Senator from Maryland.

Ms. MIKULSKI. We are about to have a little discussion on a UC for a time agreement as to what time we will vote on this amendment, if the Senator would mind withholding.

I wonder if my colleague from Arkansas would consider a time agreement on this amendment. I propose a unanimous-consent request that we vote on the Bumpers amendment no later than 6:30, with the time equally divided between both sides.

Mr. BUMPERS. Mr. President, reserving the right to object, I wonder if we could add to that who the speakers will be and how much time will be allotted. I have just gotten a request since I came on the floor a moment ago for one more speaker on this side. I see

the junior Senator from Texas is here. I wonder how much time he requires.

Mr. GRAMM. Mr. President, I feel very much swollen up with a speech, but I think certainly within 10 minutes.

Mr. BUMPERS. And or which side of the issue is the Senator from Connecticut?

Mr. DODD. How much time is the Senator going to give me?

Mr. BUMPERS. All he wants, under certain conditions.

Mr. DODD. I am a strong supporter of the space station, I say to my colleague from Arkansas, and I would like 10 minutes, if I could.

Ms. MIKULSKI. That leaves us 5 minutes.

Mr. BUMPERS. Mr. President, I am afraid I will have to object then, because I can see that we are going to need more time.

Mr. DODD. I would say, if my colleague would yield, I would be willing to reduce my time to 5 minutes, if that would help.

Mr. BUMPERS. Why do we not try this, Mr. President; if the distinguished floor manager would agree to it: let us agree to vote no later than 6:45 with the time equally divided, that is 1 hour from now, and perhaps, if these people keep their commitments of 5 or 10 minutes, we can probably finish and be ready to vote at 6:30.

Ms. MIKULSKI. I think that is an eminently good idea. I will withdraw my first unanimous-consent request and now propose another unanimous-consent request.

I ask unanimous consent that we vote on the Bumpers amendment no later than 6:45 with the time equally divided between both sides. That would enable each side to have approximately 30 minutes and Senators to adjust their speaking accordingly.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I yield to the Senator from Texas, who had graciously yield to me for proposing this request, for 10 minutes.

Mr. GRAMM. Mr. President, I want to begin by saying what this vote is not about, and then I want to talk about what it is about.

Let me remind my colleagues that for the first time in many years we are operating under a binding budget constraint which is set out in law. It says exactly how much money can be expended for defense, for discretionary international expenditures, and for discretionary domestic expenditures. What we are debating here is not the total level of spending.

Now, I know our dear colleague from Arkansas has presented an amendment that takes money away from the space station and does not spend it all. But under the budget constraint that we face, given the fact that the Congress has already in over a dozen different cases tried to breach the spending totals in one way or another, I hope my colleagues will understand that this unspent money that the Bumpers amendment would give us, $1.2 billion, will last about as long as a scoop of ice cream would in a hot frying pan. The question here is not will the money be spent. We have set out a binding constraint on total spending. I have no doubt, Mr. President, that every penny of that is going to be expended. The question that we are going to decide here today is really a question about where that money is going to be spent and what kind of priorities we want to spend it on.

I will say one thing for our dear colleague from Arkansas, and that is he is consistent. Last week he proposed terminating funding for the superconducting super collider, a long-term science project, lots of money, an investment over a decade aimed at trying to promote the growth of scientific information which we hope will expand our ability to produce goods and services, improve our competitiveness in the world market, raise our living standards, make us richer, freer, happier. Our colleague today has moved to terminate the space station, another big and, regrettably, expensive scientific project.

But, Mr. President, as many arguments as can be made for the space station and the program, the choice we are going to make here today is a very, very simple choice.

We are going to choose between investing in the long-term future of the country on a project that will yield a return in the next generation, the space station, or we are going to ultimately end up spending that money on 1,001 other things, many of which will not yield a long-term rate of return to the American people.

We have had a lot of scientific arguments made here today. Some people have argued that you cannot justify the space station on the basis of the return we can expect on various kinds of scientific projects. I do not justify the space station on the basis of science at all. I justify the space station because it is an indispensable tool to allow us to move forward in space exploration.

We will learn a lot scientifically from it, but to try to measure the effectiveness of the space station based on microgravity research or other specific types of science, I think is to miss the whole point.

The current director of the Office of Management and Budget, Mr. Darman, once likened that approach to the approach you would have had, had you set out to judge the effectiveness and the productivity of Columbus' little fleet as a vehicle to study motion sickness.

The point is, the expenditure of energy to break the bonds of Earth's gravity is so great that if we are going to do anything in space we have to have a space station.

Really, we are down to a decision today, are we going to go forward in space, are we going to make a long-term investment in the future of America, or are we going to cut funds for that long-term investment so money can be spent elsewhere?

I believe it is a decision between investing in the future and investing in the present, and I believe that we grossly underinvest in the future. We are too often driven here by political concerns. That is the nature of democracy. And it has many positive effects. It produces the greatest political system in history. But the negative effect is that it tempts many to look too long and too hard at the next election and not long enough and not hard enough at the next generation.

I urge my colleagues to reject this amendment. We have put together an appropriations bill which was a tough one to put together. This committee has cut the President's space request by almost a billion and a half dollars. We are not talking about a bloated budget for space. We are talking about a bare bones budget that has been put together under very difficult circumstances. We have in essence frozen and reduced a lot of other components in the space program to fund the space station because it is the key to the future of the American space program.

To come in now and to kill the space station would, in my opinion, be the first step toward killing America's space program.

So I urge my colleagues to look at this amendment for what it is. It is a siren song that says this is a long-term investment, it costs a lot of money, the returns are not going to be had until the future, no insurance company could write a guarantee as to what is going to be gained. The amendment urges us to take the shorter view. It says, let us look at the first Tuesday after the first Monday of November 1992. It says, let us focus on things we could spend the money on that are more popular today.

I submit that, as appealing as that siren song may be it does not represent the kind of investment we have to make if we want America to be a greater, more productive country. So I urge my colleagues to resist this siren song, to vote no on this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Maryland?

Ms. MIKULSKI. Mr. President, before time is yielded, I wish to clarify the consent we had just entered into by adding another unanimous consent, that no other amendments or motions

to recommit be in order prior to the disposition of the Bumpers amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Who yields time? The Senator from Maryland and the Senator from Arkansas control time.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield 10 minutes to the distinguished Senator from Tennessee.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Tennessee is recognized for 10 minutes.

Mr. SASSER. Mr. President, I commend the distinguished Senator, chair of the subcommittee, Senator MIKULSKI, for the excellent work she has done in putting together this bill. Every year, she deals with a very complex portion of the appropriations process. She does her work very well and I think the bill she brings to the Senate this evening reflects her competence and her dedication to duty.

Referring to duty, I feel it is my duty to rise in opposition to the so-called space station. I do that, not to call into question the merits or demerits of this particular project. I think they have been ably discussed and ably debated on both sides of the question here this evening. This is a project that this country cannot afford at this particular time in our history.

We were informed just this morning in the Senate Budget Committee that for fiscal year 1992, the deficit was going to be $70 billion higher than the administration had predicted just 6 months ago. The deficit for fiscal year 1992, and the deficit that we are putting on the American people and generations yet to come, will be $348 billion.

If we factor into that equation the fact that that deficit is party offset by Social Security, the true amount of the deficit for fiscal year 1992 will be $412 billion.

We are now at a point in our history where the national debt of this country amounts to 66 percent of our gross national product. I might say that in 1980 when President Reagan came to office the national debt stood at slightly over 20 percent of gross national product. In January 1989, when President Bush was sworn into office, the national debt stood at something like 38 percent of gross national product. Here we stand, less than 3 years later, and find the national debt of this country stands at 66 percent, or two-thirds of everything that this country produces in one full year. That is almost unprecedented in our history.

We find the deficit for fiscal year 1992 is calculated to rise to over 5 percent, 5.8 percent of gross national product, the second highest national debt in the peacetime history of the United States of America.

Superimpose this problem on testimony that we received before the Senate Budget Committee just this past Monday from the distinguished Director of the Congressional Budget Office, Dr. Robert Reischauer, and also from the Comptroller General of the United States. We were told at that time that unless we take steps now there is no hope that we can keep the budget summit agreement intact and arrive at deficits under the caps for 1994 and 1995.

We were told that if we stay on the present course, that we will break those caps in 1994 and 1995 by a minimum of $35 billion. If we accept the President's 5-year defense budget and if we adhere to the budget summit agreement and fund the defense budget that the President wants, we will find by fiscal year 1994, we will have to cut domestic discretionary spending by 7 percent to hit the caps. We have never done that in our history. Not even in the year of the draconian domestic discretionary budget cuts in 1981 and 1982. We did not even do it then.

So it is clear that we are not going to be able to cut domestic discretionary spending by 7 percent. So let us say that we just keep domestic discretionary spending going up at current policy levels, which is what we are spending now with the addition of inflation through 1994 and 1995. Then how are we going to hit the discretionary test caps? We are going to have to cut defense spending in such a sharp fashion and so quickly that it cannot be done in the procurement programs. It will all have to be done in personnel.

We received testimony from a number of experts who indicated that we would be cutting defense spending and cutting personnel by 425,000 people in fiscal years 1994 and 1995.

Mr. President, I submit that would do serious damage to the defense capability of the United States.

It is clear that if we are going to adhere to this budget summit agreement, if we are going to be sincere and keep the faith with the American people and try to do something about this deficit, we are going to have to do something about these big ticket programs.

The space station starts out at $2 billion for the coming fiscal year. The projections are that in the future it will cost somewhere in the neighborhood of $30 billion. This year, we have already authorized a substantial increase in highway spending, $8 or $9 billion, if memory serves me correctly. That was budget authority, but it is going to have to be paid for in the outyears, paid for with real cash-and-cash outlays. We have already on this Senate floor this year voted to fund in the appropriations bill the super collider. We simply cannot increase dramatically highway spending, we cannot fund the super collider, we cannot fund the space station, we cannot fund the B-2 bomber, we cannot fund SDI, we cannot fund the Sea Wolf submarine, we cannot fund over a hundred new procurement programs that are budding now over at the Department of Defense and hit these budget caps.

There is a lot of talk around here and a lot of rhetoric about the fact that we have to do something about this deficit. We have to reduce spending.

I hear a lot of talk from the other side of the aisle that we certainly cannot do it by raising revenues. Apparently, it does not do us any good to raise revenues because in the budget summit agreement we raised revenues by about $140 billion over 5 years, and just this morning, the Director of the Office of Management and Budget told us because of an error, a technical miscalculation in the Department of the Treasury revenues are going to be off by $132 billion over the next 5 years, in essence wiping out of the revenue increases that we fought, bled, and died over just last fall.

So, Mr. President, what I am saying to my colleagues is perhaps this space station is a commendable project. Perhaps the super collider is a commendable project. Perhaps the B-2 is a commendable weapons system. Perhaps the SDI is a commendable weapons system. What I am saying is that we cannot afford them all.

At some point, we have to start cutting back. And this is the point where I think we ought to start cutting back, cutting back on this space station.

The space station comes at a time, Mr. President, when we simply cannot afford it in this country. I am reminded of a debate that took place years ago before I came to the U.S. Senate. It was a debate involving the supersonic transport. There were those on the floor of this body, including our late beloved colleague, Senator Scoop Jackson of Washington, who said if we did not build what was called the SST then, that the United States was going to lose its edge in aerospace forever. This body chose not to fund it and the British and the French went ahead and funded their supersonic transport called the Concorde. It has been the biggest dinosaur they have had to deal with over the past 15 years. They lose tens of millions of dollars in operating it every year. As far as I can tell, it has brought no meaningful scientific advancements to either of those countries.

So, Mr. President, I rest my case on this argument. At some juncture, we in this body need to start assigning priorities to spending, and we simply must start now. I serve notice on my colleagues that unless we start assigning priorities to these big ticket items now, that there is no way in the world we are going to be able to adhere to this budget agreement that was solemnly adopted by this body and solemnly endorsed by the administration.

Parenthetically, Mr. President, I will add this.

This administration, in my view, is abdicating its responsibility to future generations in not making the hard decisions itself with regard to these projects. The administration comes to us and they say we want the super collider, we want the space station, we want all of these various weapons systems. Indeed, in a perfect world, it would be marvelous to be able to have all of this. But in this country when our fiscal affairs are in such a state of disarray, we simply cannot afford it.

So for that reason, Mr. President, I will reluctantly today cast my vote in favor of the Bumpers amendment, not reluctantly in favor of that amendment, but cast a vote reluctantly in opposition to the space station. In doing so, I will be well aware of the fact that we will be saving in this fiscal year $1,315,900,000 if the Bumpers amendment should become law, and in the outyears, we will be saving tens of billions of dollars that we will not have to put on the cuff, we will not have to go on the money markets and borrow and then pass the note off to future generations.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I yield 7 minutes to the Senator from Connecticut [Mr. DODD].

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, first of all, let me commend the distinguished manager of the legislation, the ranking minority member, the distinguished Senator from Utah, for the fine work they have done on this legislation. And as well my usual commendations to my colleague from Arkansas for eloquently articulating the issues that need to be raised when we are discussing an issue such as this, the magnitude of this issue and its importance. And of course our colleague from Tennessee has talked about a matter that has been the subject of constant debate, and that is the overall question of how we manage our fiscal matters.

The issue before us is whether or not it is in the interest of the United States to invest in this particular technology as we begin closing out the 20th century and focus on the issues that must draw our attention in the 21st century. It has often been noted that there is an asymmetrical structure in the appropriations bill that is before us today, between HUD, the Veterans' Administration, and NASA. I would like to make a case that is just to the contrary, that in fact there is a symmetry between these three issues.

With HUD appropriations, Mr. President, we deal with the present, with the current housing needs of America. With the VA, we recognize the contributions that have been made in the past to this country by our veterans in keeping this Nation strong.

And in dealing with NASA, we are dealing with our Nation's future. I think all of us in this Chamber recognize that the technology represented by the space station is vitally important—not only this Nation's security but to many of the issues that plague mankind.

So it is on that particular note, looking at the broader global implications of this issue, that I would like to address my remarks this afternoon. I will leave to others the scientific or technical questions involved with the various contributions that the space station can provide to the day-to-day needs of Americans. But I would like to point out, Mr. President, another feature that I do not think has been properly addressed, and that is the implications in terms of our international relations.

I remind our colleagues this afternoon that while America's leadership in space may be at stake in the space station, by no means are we going it alone in this venture. Rather, the space station is a joint venture between the United States, the European Space Agency, Japan, and Canada. This is a multinational effort.

In 1988, after almost 3 years of negotiations, the United States signed a multilateral agreement with these three partners to design, research, and build the space station.

Let me speak if I can, Mr. President, about the kind of commitment we received from our international partners. In dollar terms, our partners have pledged $8 billion toward this project. I suspect that commitment will have to come up. Toward that $8 billion these other three entities have already spent $1 billion. Unlike the United States, the Japanese and Canadians do not have large space agency programs. In fact, the entire Japanese space program revolves around its contribution to the space station. One-half of Canada's expenditures on space go to the space station.

As for the European Space Agency, it is important to point out that the Europeans joined forces on the space station only after an intense debate among its members—many of whom wanted to go it alone, to have their own space station. But we convinced them to join with us and to participate in the cost.

If we renege on that commitment today, with this amendment, we are going to find space station technology emerging among our chief competitors and at some point I presume we will come back and decide we want to go it alone—at a far greater cost. The Europeans threw in their lot with the United States because they had confidence in American leadership. I certainly hope that American leadership does not let them down this afternoon.

Mr. President, in the aftermath of the Persian Gulf war, we have established ourselves, I think we would say with some certainty, as an economic and military leader of the free world. In assembling a broad coalition of nations to fight Saddam Hussein, we have reaffirmed the sanctity of international law and respect for the United Nations.

What kind of a signal would it send were we to back out of an important—and I emphasize an important—multilateral commitment like the one we have developed with the space station?

Opponents of this amendment would say we do not want to kill the space station outright. In fact, that is what we would be doing. They say they simply want to slow it down but with $100 million the signal would be clear. Mr. President, we know how hard it would be to restore funds next year if we reduce those amounts today.

Mr. President, with great respect to the Senator from Arkansas, I urge our colleagues to reject this amendment and live up to our international commitments, to recognize there is a significant dollar amount coming from the international community to participate directly in the development of this technology. To go back and renege on this commitment today would be a great setback not only for this effort but for this country and for our potential to develop important tecnology for the 21st century. That is what this issue is certainly all about.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I yield to the distinguished Senator, Mr. GORE, who chairs the subcommittee that authorizes the space legislation, 5 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. I thank the Chair.

I rise to express my support for H.R. 2519, the VA-HUD-Independent Agencies appropriations bill.

I think the leadership of the committee, especially my friend and distinguished able colleague from Maryland, Senator MIKULSKI, has done an outstanding job facing the extremely difficult task of allocating limited resources to programs affecting many important constituencies. I think Senator MIKULSKI's handling of this bill really as been extraordinary, and I will elaborate on some of the more detailed reasons for that conclusion in further statement for the RECORD.

I disagree with the pending amendment. I respect the view expressed so ably and eloquently by the Senator from Arkansas. I also want to say especially that I respect and acknowledge the sentiments expressed by my senior colleague from Tennessee and agree with some of the sentiments he has expressed. I voted against the super collider for the first time last week for many of those same reasons.

I have been particularly involved in this issue, and I want to share with the

Senate my perspective as chairman of the authorizing subcommittee.

Right to the point, I support the Space Station Freedom Program and will vote to oppose the pending amendment to terminate it.

Anyone who understands the way our space program is organized knows that the space station is close to being the keystone of NASA as an institution, as it currently exists, and is a central pillar of NASA's program. Ending the space station program could well mean ending America's long effort to support human presence in space. I do not think we should do that as a matter of choice.

I invite the attention of the sponsor of the amendment to the following point. This amendment proposes to terminate the space station shifting $1.2 billion into so-called deficit reduction. I do not know if everyone is a ware of it, but I want my colleagues to be aware of it, that if we vote to stop funding the space station program, we will be liable for $800 million in contract termination costs in that first year.

So there will not be, should the amendment pass, $1.2 billion in deficit reduction—$800 million of the amount authorized would have to be spent anyway, only we would get absolutely nothing for it. It would go to terminate the contract.

So we ought to be clear about what this amendment does. It terminates the space station program and related activities, but it does not produce the deficit reduction of the size advertised in the amendment because of those enormous contract termination costs.

Having articulated my basic position, I want to add that support for the space station program as well as any other has to be dictated by the availability of resources. Very simply, it is quite true the Federal Government does not have the resources to pursue every initiative regardless of costs. That is particularly true for NASA and the civil space program.

NASA's budget request for fiscal year 1992 was $15.8 billion, an increase of nearly $1.9 billion over the current year. Yet because of the 5-year budget agreement adopted last year, the resources to fund these increases simply are not available. As the Administrator of NASA has testified, more than 99 percent of his budget request would support ongoing programs. The fact is NASA cannot expect every year to get the money it needs to carry out each and every program it now administers. The Augustine committee clearly recognized this in concluding that NASA had more on its plate than it could realistically accomplish. Clearly, we have to strive to make sense of the NASA budget in an environment of limited budget growth. Endorsing the program today has ramifications for many years to come, particularly as the funding wedge that a certain program creates may preclude funding other even higher priority programs.

In this respect, NASA has failed to provide adequate long-term budget information to the Congress to ensure that decisions are made with a complete understanding of how the programs will be affected. That is why the NASA authorization bill which we passed out of committee and hope to bring to the Senate floor before the August recess provides out of the Commerce Committee a requirement that NASA give Congress a 5-year outlook of the funding needs of every major program, project, and mission, as well as life cycle costs associated with each one. We simply have to have this information to ensure that when funding decisions are made, the highest priority programs are not squeezed out of those already funded.

Mr. President, it is my hope that after this provision is enacted NASA will submit its first 5-year budget plan early next year when the President's budget is sent to the Congress. With this information we will be able for the first time to take a hard look at the future of every NASA program, including the space station.

I support the space station program but want to make it clear that with this new information future funding required for this program will be carefully scrutinized.

It is indeed unfortunate that the allocation of funds of this subcommittee could not have been higher.

The pending amendment offers many appealing add-ons to the subcommittee mark for other programs with great merit.

In particular, I agree that we need to—could I have 1 additional minute?

Ms. MIKULSKI. I have a total of 9 minutes remaining.

Mr. GORE. I ask for 30 seconds.

Ms. MIKULSKI. Thirty seconds.

Mr. GORE. I want to particularly emphasize the need to fund the NASA Earth observing system. Those who know my concerns for global environmental issues realize it is with great unease that I see a cut for appropriations of EOS driven by the shortage of funds in the NASA budget.

I will elaborate the sentiment I am expressing here for the RECORD, but I want to close by urging my colleagues to support the bill and defeat the present amendment.

I thank my colleagues for the courtesy.

Ms. MIKULSKI. I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise to oppose the Bumpers amendment and speak in behalf of the space station.

Mr. President, the space station Freedom does have a role in America's technological future. Life sciences will certainly be a prominent benefactor of the space station. But the synergism of technology provided by space research pervades every facet of our society.

These quantum leaps of knowledge have changed forever the fields of medicine, education, industry, and natural science. Health care is a major factor of space research. Technologies such as the CAT scan, the insulin pump, MRI imaging processing have become realities because of the space technology. The kind of long-term research that is needed to confront medicine's most challenging problems will be provided by the space station.

There has been no greater opportunity for the study of the environment than space. Mission to planet Earth and remote sensing programs are already working to provide our Nation's scientific community the data and the resources to better evaluate our Earth's environment.

Mr. President, space station Freedom will provide an important legacy to our Nation's youth as well. The vision and inspiration that built this country must continue to be pursued. Our Nation must be prepared for the global markets of the future as well.

The U.S competitiveness is challenged today on every front. While we often develop the high technology theory, we seem to lose out on the market gain. As Americans, we must ask ourselves, Mr. President, what our role is going to be in the future. Will we lead or will we follow?

We will know in a few minutes.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I have just consulted with the proponent of the amendment, Senator BUMPERS. I will be yielding time to Senator GARN. Senator BUMPERS will speak, I will speak, and then we will be moving to the conclusion of this bill.

The proponent of the amendment has graciously offered to, if we needed extra time, to put some of it over on our side.

Having said that, I will yield 5 minutes to the Senator from Utah, and will ask for approximately 5 minutes, if I do not have time, if the Senator from Arkansas will enable me to conclude.

Mr. BUMPERS. Is the distinguished floor manager suggesting that we vote at 5 minutes until 7?

Ms. MIKULSKI. The distinguished floor manager is suggesting that we vote when we complete these three conversations.

Mr. BUMPERS. I would suggest that we each add 5 minutes to our time and vote at 5 minutes until 7.

Ms. MIKULSKI. Mr. President, how much time does our side have?

The PRESIDING OFFICER. The Senator from Maryland has 5 minutes and 23 seconds. The Senator from Arkansas has 15 minutes and 8 seconds.

Ms. MIKULSKI. Would the Senator from Arkansas be willing to yield 5

minutes to me so that I can yield the remaining 5 minutes on my side?

Mr. GARN. Mr. President, I will only need 1 minute.

Mr. BUMPERS. Does the distinguished floor manager not wish to extend the time until 7:45? I really wanted 20 minutes. I only have about 15. I thought the Senator from Utah might want more than 1 minute.

Mr. GARN. I say to my distinguished colleague, after my long oration at the outset of this debate, 1 minute will be fine.

Mr. BUMPERS. Why do not we see how we go along?

Ms. MIKULSKI. I yield to the Senator from Utah 1 minute.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, despite the fact that space station Freedom will be a world-class scientific research facility, it is more than that. The space station Freedom is a technological base for technologies critical to sustain the economic leadership. It is a technological base for advanced materials, information and communications systems, biotechnology, energy and environmental research. It is a space station space-based research facility that can be used to investigate a broad range of scientific disciplines. It was not designed for a singular experiment or program.

Space station Freedom is also a major engineering challenge and undertaking. The station will help us better understand the effect of long-duration space flight on man, and what that means for future space activities. But the real benefits of the space station will be right here on planet Earth: in new and better medical techniques, in pharmaceuticals, in advanced materials, in better microelectronics and sensors, in a better understanding of the physical principles, in processes that can improve our manufacturing techniques, and in new jobs and opportunities.

Space technologies have improved our quality of life in the past, and will improve our quality of life in the future. I urge my colleagues to vote against the Bumpers amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to first address the 64 Senators who wrote the letter to the distinguished floor manager, Senator MIKULSKI. I have had a number of them come up and say "I want to vote for your amendment but I signed a letter by Senator HEFLIN to Senator MIKULSKI."

I looked that letter over pretty carefully. I want to point out to those Senators who signed that that we are leaving money in here for the space station. We are simply trying to come up with a cheaper alternative.

We are also restoring some money, $50 million, for the Earth observing system EOS, which Senator HOLLINGS mentioned, and is critical to the space program.

The committee report calls EOS "among the most important of NASA's current science projects because its result will have profound implications for future economic and policy decisions." But the committee cut it by $50 million.

I restore that $50 million for the national launch system which is absolutely critical to come up with a cheaper method of launching.

We put in $50 million which more than doubles the level provided by the bill.

We put $17 million in there for aeronautical research and technology which the civilian aviation system needs desperately to come with the next generation of civilian aircraft; $15 million for space automation and space automation, and therobotics.

What is that? That is the ability to do precise kinds of research they have been talking about all afternoon in unmanned space vehicles, and the shuttle.

You can do it by telerobotics. And then I put $50 million in the National Science Foundation, where science really is science. The committee cut the House level by $75 million.

Mr. President, I just want to tell those 63 Senators that you can vote for the Bumpers amendment, and you are not going back on your word. We are not only balancing the space program, which I have heard some of the opponents describe; we are also leaving $100 million in there, and when we go to conference with the House, does anybody think for a moment the space station is going to be killed, as the Senator from Connecticut suggested?

This space station is not going to get killed under my amendment, because of two things: No. 1, my amendment does not kill it; and No. 2, my amendment is not going to pass. But I can tell you what the future holds for this. The future holds disaster, unless we come to our senses.

Do you know what the National Research Council said, one of the most prestigious councils of scientists in America? They said that 87 percent of all research that anybody anticipates under this bill can be done in unmanned space vehicles, and the shuttle. You think about embarking on a $100 to $200 billion program to do just 13 percent of all the research programs that anybody can foresee.

Mr. President, I will tell you what science is. Listen to this. We put $1.5 million in NIH funding for research on Lyme's disease; we get $5 million back. We gave NIH $11 million for breast cancer research; we got $170 million a year back. We gave NIH $24 million to do research on kidney stones; we get $75 million a year back. We put in $700,000—think about this—and we get back an annual savings of $300 million.

Here we are starting on a $100 billion to $200 billion project that gets you nothing—nothing. Maxine Singer, president of the Carnegie Institute, and one of the most prestigious scientists in America; she has been everything. She is on the National Academy of Sciences; she has written numerous scientific articles, and now she is president of the very prestigious Carnegie Institute of Washington:

> I am very concerned that the space station is being increasingly justified on the basis of its anticipated benefits to health research. In fact, no substantial case has been made for this argument.

It goes on. And I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CARNEGIE INSTITUTION
OF WASHINGTON,
Washington, DC, July 17, 1991.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUMPERS: I am very concerned that the space station, Freedom, is being increasingly justified on the basis of its anticipated benefits to health research. In fact, no substantial scientific case has been made for this argument. There is no well documented special advantage of experiments in space for improving medical care or for the development of new therapies and drugs. At best, reasons advanced to carry out biomedical research in space are preliminary; surely, our nation should not commit itself to decades of expenditures and effort on the basis of such uncertainty. At worst, the reasons advanced hold out false hopes to our citizens for important advances in medicine; no miracles will occur in space, rather, improved health will come from the continued commitment to earthbound research, development, and healthcare efforts.

I urge you to continue your strong efforts in opposition to the proposed massive increase in funds for the space station in the 1992 budget. Besides the points I have made, extensive and thoughtful analysis of this project from many scientific viewpoints have all led to the same conclusion; this is not a wise expenditure of our nation's resources at this time. I hope that you will convey these thoughts to the Senate.

Sincerely,

MAXINE F. SINGER,
President.

Mr. BUMPERS. This committee report itself says as follows:

> The agency should revise its strategic plans for space and aeronautical technology to more carefully link investments to the Nation's economic competitiveness. The committee expects NASA to integrate their plans more closely with the emerging list of critical technologies as outlined in the recent report released by the Council on Competitiveness and the Office of Science and Technology Policy.

What do you get on competitiveness? Let's listen to what the Council on Competitiveness and the head of the Office of Science and Technology Policy have to say.

Allan Bromley, the President's scientific adviser, a scientist, says:

Neither the commercial processes nor the scientific merit of the microgravity experiments come close to justifying the cost.

That is the President's science adviser saying that. The U.S. Council on Competitiveness, Bobby Inman, George Fisher, chairman of Motorola, Don Peterson, chairman of Ford, John Aker, IBM. What do they say, top businessmen in the country:

In an era of limited resources for science and technology, the United States must choose its priorities carefully. The United States is spending a lot of resources on national prestige technology projects that make little contribution to U.S. economic growth and competitiveness. Comparable spending on generic industrial technology would not only have a major impact on America's international prestige, but also its standard of living, national security and international influence.

Mr. President, the other night, Senator GLENN, Senator GARN, and I appeared on the MacNeil/Lehrer Show, and here is a letter sent to Senator GLENN. This is not meant to denigrate Senator GLENN in any way. But this is from a gentleman who is president of the University of California. He says:

I am identifying myself. I am the Director of the National Science Foundation's Institute for Theoretical Physics at the University of California, Santa Barbara.

He says:

I find in materials research, I know of no important experiment or process that has been or can be performed in space that cannot be reproduced on the ground at immensely less expense and generally greater reliability. The experiments in which I was originally interested are now obsolete.

And on and on it goes.

Let me tell you what a fellow named—just a moment—this is Prof. Nicolaas Bloembergen, Harvard University, and president of the American Physical Society.

It is the view of the American Physical Society that scientific justification is lacking for a permanently manned space station in Earth's orbit. We are concerned that the contribution of a manned space station to the physical sciences has been greatly overstated and that many of the scientific objectives currently planned for the space station could be accomplished more effectively and at much lower cost on Earth, unmanned robotic platforms, or the shuttle.

Mr. President, if I were saying this, if this were country lawyer DALE BUMPERS from Arkansas telling you all these things about science, you would be right to be skeptical. I am not a scientist, but almost every single scientific organization in America, and many American Nobel Laureates, are saying that if you think you are going to get any kind of medical research benefit out of this space station, it is pure hype.

I could go on. I am sorry I do not have more time. It is not going to increase the number of votes I get, but I would like to make a record.

If you want real science, you find mapping of the human gene. That has the potential for curing cancer, AIDS, and everything else. That is where you will find benefits, both direct and indirect. That is what the Human Genome Project wants to do. And I support that.

I am getting to where I am not as concerned about the problem as much as I am about the attitude of Congress in dealing with it. There is no microgravity research worthy of the name going to occur on the space station. Every scientist says that.

I want to close out, Mr. President, by saying that in a perfect world, I might be for this. I am not sure I would, since I have gotten into it. I am not sure I would be for it under any circumstances. But in a perfect world where we did not have drug problems, where the crime rate was on the decrease, where children in poverty were declining, where the crime rate was going down instead of soaring, where the homicide rate was not the biggest in the world, where the energy future was secure and our toxic waste dumps cleaned up, and we had health care for everybody, and on and on; if we had those things, I might not be here. I probably would not be here.

I certainly would not be here if we were addressing the budget problems of this country, which absolutely guarantee the demise of this great Republic, if we do not start dealing with these matters in a responsible way.

I do not mean to denigrate a single Senator. Every one of them is my friend. But as I look down the list of the States, of winners and losers, not one Senator spoke against this amendment in the bottom 35 States, the ones that receive little or no funding from the space station. Every Senator that spoke against this amendment, with the exception of the Senator from Utah, is in the top 12 of the States who stand to benefit the most if this program goes forward.

I do not denigrate them, because if I were in their shoes, I might be doing the same thing; I admit that. But that is no way to run a railroad.

Mr. President, the problems in this country are right here on the ground. They are not in space. They are not going to be solved in space.

When scientists say over and over again, the very best of them, 300,000 people in the Institute of Electrical and Electronics Engineers; the American Physical Society, 40,000 members; the American Chemical Society, 70,000 members; virtually every physicist in America and every professor in America say, please, do not buy into this, we need the money for too many other things. And I am saying one of the things we need is to save the money.

The Senator from Texas said, "$1.25 billion, Senator BUMPERS, on deficit reduction, that would not last as long as an ice cream cone in the sunshine." You tell me what the relevance of that statement is, "It would not last as long as an ice cream cone in the sunshine"? Does that mean unless it is at least $2 billion, please do not bring it up on the floor of the Senate because it would not last?

That is exactly the mentality that has brought us to this very moment. That is the reason, because the deficit is going to be $348 billion next year, what is $1 billion? I tell you what it is: It is a beginning. It will be a commitment by the U.S. Senate by saying we are not going to do business as usual around here, we are going to start addressing the critical problems of this Nation. There is not one single problem in this country that spending $118 to $200 billion on the space station is going to solve. I plead with my colleagues to say to themselves, we are not going to do business as usual, we are going to be responsible.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland has 3 minutes and 14 seconds.

Ms. MIKULSKI. Mr. President, I yield myself 3 minutes and 14 seconds.

Mr. President, we are in the closing hours of this discussion, and I just want to talk about why we need this amendment. The space station is needed for two reasons, science and technology. One, to maintain U.S. leadership in aerospace technology; the second, to provide a permanent global class facility for scientific research in space. The space station will be the NIH of space science.

I had occasion to go down and visit the space center in Houston. There I saw what research will be done. In cancer research, doctors will be able to remove tissues from a cancer patient on Earth from which a new tumor can be grown outside of the body at a faster rate in the weightlessness of space. That artificial tumor can then be tested for what is the best course of treatment without subjecting the patient on Earth to dangerous, costly, physically exhausting tests. Significant cancer therapies could revolutionize health care.

A new century is coming, a new economy is being born. We have to ask ourselves, will America lead the way? In 1979 we lost 2.9 million manufacturing jobs. In the last decade we have lost them job by job. I represented, in my own congressional district, a street called Bruening Highway. We had General Motors, Western Electric, the Baltimore shipyards, Bethlehem Steel, and our great port. They once employed about 35,000 people in these jobs. We are now down to half. Western Electric has gone. General Motors is making sure that we are fighting minivan competition from illegal dumping from counterparts. Shipbuilding has been given away, and the failed trade policies have also wiped out making trade a two-way street in our port.

So where is our economy going to turn to? There are those who allege this is technopork—technopork to put together people in the aerospace industry, men and women whose hands I shook when I visited the space centers, many of them union labor, UAW labor. When I talked to people in the space program who are from the Hispanic origin, one generation away from being migratory workers are now working as space techs making good wages and at the same time creating an infrastructure that will take us into the 21st century. Just because we cannot predict every line item that we are going to invent does not mean we should do it. We are funding now the fiscal 1992 budget, the NASA budget. Fiscal 1992 will be the 500th anniversary of Christopher Columbus discovering America. On that anniversary I do not think we should be chintzy about the space program.

I hope we defeat the Bumpers amendment.

The PRESIDING OFFICER. The Senator from Arkansas has 2 minutes and 7 seconds.

Mr. BUMPERS. Mr. President, there have been a number of arguments made this afternoon, there have been scientific arguments, and there have been competitiveness arguments. Everybody makes the competitiveness arguments when we talk about how Japan is eating our lunch because they are so far ahead of us because they spend so much more in research, and so on.

I want to tell this body so far we only spend 11 percent of our budget on domestic discretionary spending. In 1994 under the President's request for two things the supercollider and the space station, if the President gets his request for just those two items, they will take 50 percent of all the increase, all the increase in the amount of money we will have to spend in 1994. You think about that. You talk about children being immunized, you talk about AIDS and cancer. You think of us putting 50 percent of the increase in money that we are going to have to spend on the domestic discretionary spending on those two projects alone.

When it comes to competitiveness, Dr. Arno Penzias, vice president of Bell Laboratories in charge of research, testified over on the House side and here is what he said about the American Council on Competitiveness, which issued a report "Gaining New Ground, Technology Priorities in America's Future":

> I reviewed that report in preparing my testimony. It contains a number of areas such as microelectronics in which America's leadership is endangered or already severely damaged. I can find none of these competitive needs addressed by the proposed space station's programs or capability.

Mr. ROBB. Mr. President, I rise today to help America rise higher.

As Peter the Great built the city of St. Petersburg as his window on the new world to the west, so the United States proposes to build space station Freedom, as our gateway to the unexplored worlds beyond our home planet.

The space station will be the newest step on the road of mankind's ascent. Our earliest ancestors were bound to the land, trapped by the breadth of the oceans. Then rudimentary ships were built, and man became a seafaring creature. The oceans changed from a forbidding barrier to the avenue of discovery and commerce.

Centuries later, two bicycle makers achieved man's longstanding dream to emulate the birds and soar through the sky. And, over the years, man became a master of the air, and the defiance of gravity became commonplace.

Within our lifetimes, Mr. President, humanity has conquered a new medium, the famed final frontier of space. Our first efforts, just as with the sea and the air, were tentative explorations. But with the flight of the space shuttle *Columbia* in 1981, mankind became a spacefaring creature. That flight confirmed our ability to make space travel practical. Space, no longer unreachable, became a medium of commerce and experimentation. Just today, NASA successfully launched the *Pegasus*, a commercial space vehicle designed to bring the benefits of space to a wider audience.

It is no small point, Mr. President, that the *Columbia* and, indeed, most of the vehicles which have ventured into space carried upon them the Stars and Stripes. Americans are explorers. It is inherent in our national character to seek out that which has not yet been discovered, to do what others say cannot be done. Whether the challenge was posed by tyrants or by laws of nature, Americans have always led the response.

Once again, today, America is leading a grand international coalition. Our partners in the development of space station Freedom come from all over the globe, and they have sided with us because they recognize America's leadership in space exploration. Although the space station is an American initiative, it will truly be a vehicle for the use of all mankind.

Some people may wonder why we should venture into space. This question is frequently asked in the form, "Shouldn't we spend the money here on Earth?"

Mr. President, I feel secure in stating that every dollar allocated to space station Freedom will be spent here on Earth. We have engaged no Martian subcontractors, nor even consultants from Jupiter, to work on this project. More seriously, though, I understand the concern of those who say that in a time of finite resources, government should concentrate its efforts on improving the lives of those who need government's assistance the most.

I am a Democrat, Mr. President, precisely because I believe that it is government's role to assist those whose lives have not been as fortunate as, a majority of our citizens. But I follow the view of a visionary member of my party, President John Kennedy, who saw that the exploration and exploitation of space would result in the improvement of the lives of all Americans. Government's purpose is not only to comfort those who are afflicted today, but also to improve the future lot of our citizens. The research done on the space station, and the stimulation which it will provide to America's scientific and technological community, will help to ensure a better future for America and all of its citizens.

Much of what the space station will do cannot be done elsewhere. We have heard about the medical research which microgravity makes possible, and the basic research in electronics which can only be done in orbit. New materials, new methods of recycling, and new processing methods will help us cope with the demands on our overpopulated, increasingly polluted home planet.

But the biggest contribution that space station Freedom will make is in discovering the effects of true long-term exposure to space flight on humans. It will be the springboard from which further exploration of our universe will be launched.

And I would also point out that the great value of pure research is that we cannot know in advance what new wonders will be found. Sir Walter Raleigh could not tell King Charles of the miracles which waited in the New World, because they had yet to be discovered. But if he had balked in sending Raleigh on his journey, my Commonwealth and our Nation at least as we know them might not have been founded. Similarly, I cannot run down a checklist of the benefits which will come from research aboard the space station, because we have never been able to work in such an environment before. But unless we take the jump, I can almost guarantee you, Mr. President, that some significant innovation will go unfound. Scientists are among the strongest believers in serendipity, in stumbling on an important discovery that they were not even looking for. By conducting research in a fundamentally new environment, we will increase the opportunity for such chance breakthroughs many times over.

Mr. President, I am a staunch believer in governmental responsibility when it comes to budgeting. This is an expensive program. But it seems to me that government has three great missions. The first is to help all of its people meet their most basic needs, to nourish their bodies. The second is to educate them so that they may lead better, more productive and happy lives; in short, to nourish their minds. And the third is to nourish their souls, to infuse the people of a nation with

some sense of common purpose. Government exists to accomplish the grand challenges that no individual or group could do by themselves. Space station Freedom is a prime example of something government alone can, and should, do.

SPACE STATION FREEDOM: WHAT WE GAIN AND WHAT WE WOULD LOSE

Mr. SEYMOUR. Mr. President, many of my colleagues today have eloquently spoken of the scientific promise that space station Freedom holds for the future. We know that if the Bumpers amendment is defeated, the world will come one step closer to new life science, health care, and industrial production technologies. If the Bumpers amendment passes, we may never know what we could know about these riches of our universe.

The more we drive into space, Mr. President, the more we discover about our own Earth. Space station Freedom will bring back a marvelous array of discoveries that could help us predict weather patterns more sharply, understand atmospheric impacts on soil quality, and make progress on curbing ozone depletion.

But space station funding for the next fiscal year can bring us even closer to the cares of home, and let me tell you why. First, we must know what we will lose should the Bumpers amendment pass. The President has made it crystal clear to Senators MIKULSKI and GARN, among others, that if we eliminate station funding, the entire VA, HUD, and independent agencies bill would be vetoed.

This veto, in turn would lose for America $805 million in VA operating expenses, $2.4 billion in sewage treatment grants, $1.5 billion in elderly and disabled housing programs, and $2.5 billion in public housing subsidies.

I mention this list of critical programs funded along with the space station to dispel two myths that have crept into this debate. The first myth is that if we vote for the amendment before us, an entire range of domestic programs would receive more money as a result. The second myth, interwoven with the first, is that the space station has taken money away from these programs.

The Senate Appropriations Committee markup of all the housing, elderly, and environmental projects I listed was substantial higher in each case than the bill produced by the House Appropriations Committee. And the bill that the House committee recommended, Mr. President, had no money whatsoever for the space station.

The final issue I want to reemphasize relates to the importance of the space station to the U.S. economy. In the State of California alone, it supports 4,000 jobs and 4 billion dollars' worth of contracts.

For an aerospace industry reeling from a lower military budget at home and subsidized cartels abroad, the station offers a bright glimmer of hope. Despite its problems, this sector of the economy still accounts for ten percent of all U.S. exports, and the commercial spinoff technologies that the space station can bring from the heavens will help domestic aerospace firms rekindle some of their overseas markets.

And so a vote for this amendment, Mr. President, is a vote against several benefits that could improve the civic life of this Nation. It would represent a vote against technologies that could further propel us into an age of low-cost, low-capital, and low-pollution industries. It would represent a vote against some of the most generous funding of veterans and elderly programs ever produced by the Senate. And it would represent a vote to deny our aerospace industries yet another chance to struggle back to their feet.

This amendment promises what it cannot deliver and condemns what its passage would bring. For reasons both visionary and practical, I urge my colleagues to defeat this measure.

Mr. PRESSLER. Mr. President, as ranking member on the Senate Commerce Science, Technology, and Space Subcommittee, I rise today to support space station Freedom. I say this as one who in 1987 voted to strike funding from the space station. At that time I was extremely concerned about the costs of the space station.

Responding to this concern, expressed by me and other Senators, the National Aeronautics and Space Administration restructured the space station to make it more affordable. I want to congratulate NASA on a job well done in redesigning the space station and congratulate President Bush for his strong leadership throughout this process.

I am sure it was difficult to draw up a revised blueprint for a project as complicated as the space station. However, NASA did just that, and did it well. In a matter of months, NASA has come up with a streamlined design that reduces space station costs by $8 billion, but still is capable of performing quality scientific work. This redesign has already won the support of the President, the Vice President and the National Space Council. Further, notwithstanding concerns expressed by some in the scientific community, the President's Science Adviser, Dr. Allan Bromley, has described the redesigned space station as something that the United States must do as the leader in space exploration.

Space station Freedom represents the future of the space program. The whole world will benefit from the important microgravity research that will be conducted on it. If the past is an indication, this research should lead to new drugs and materials that would be impossible to develop in Earth's atmosphere. These new developments will benefit all of us.

As with other NASA space programs that have brought about insulin infusion pumps, CAT scan and MRI imageprocessing technology, and laser heart surgery, I look for the space station to bring many new advances in health care. These advances will assist in providing quality medical care to all Americans, including veterans.

I agree with the chairman of the Senate Veterans' Affairs Committee in supporting the higher funding in this bill for veterans programs. This bill increases VA medical funding by 10 percent, and medical and prosthetic research by 5 percent. We owe so much to our veterans. For that reason I support H.R. 2519, and will support future supplemental appropriations for veterans' programs if they are needed to ensure high quality service to veterans.

Mr. MACK. Mr. President, today is a historic vote on space station Freedom. Yes, we have addressed this issue before, and will again throughout this decade. But for the first time, the Senate is poised to vote not on an abstract idea, but a real working facility that in a few years will be constructed and launched in orbit.

I have heard those opposed to Freedom say it is a waste of valuable resources, or that the station will not serve the scientific community, or that manned space activities hurt space science. I believe these arguments have been debated today, have been given their due time, and have been shown to be groundless.

Any Member of this body who denies the benefits, not only scientific, but also the power to stimulate our Nation to excel in all endeavors, does not realize the importance of this vote today.

The natural progression of our manned space program is at stake today. From Mercury, through the Apollo program, to the space shuttle, we now are proceeding to the space station. To vote for this amendment would end our manned program with the space shuttle. We would never achieve our goals beyond the space station. We would never return to the Moon without space station. We would never explore Mars; or beyond, without Freedom.

Wild dreams and fantasy? No. Putting a man in orbit was once a dream. Our trip to the Moon in July 1969, was once fantasy. Without Freedom, we would forever end the dream on which our generation was raised as well as the dreams of our children to explore the solar system with machines not even thought of today.

By defeating this amendment, America will continue to move forward. No Senator ever wants to cast a vote that will cause America to be weak and seemingly move backward. This amendment simply is one of those votes. We are faced with a clear choice.

I hope my colleagues will vote for Freedom, for space technology and leadership, to vote to move forward.

Freedom has arrived, and the vote the Senate will shortly take will enable Freedom to finally have the place it is due in our manned space efforts. I am proud to vote to continue these efforts.

Mr. LEVIN. Mr. President, I will vote today in favor of the Bumpers amendment to reduce funding for the space station. The issue before us represents a hard choice on whether to continue the current space station program or begin to address the fiscal realities that we now face. Senator BUMPERS' amendment proposed to reduce the Federal deficit by $1.2 billion and increase funding for veterans medical research and science research, while at the same time continuing funding for space exploration research. The Bumpers amendment also provides $100 million for continued space station research. I favor a space station we can afford and pay for. Moreover, the space station as envisioned by the subcommittee pushes us beyond the frontier of fiscal reality.

Mr. DANFORTH. Mr. President, I rise in support of space station Freedom and in opposition to the Bumpers amendment. Space station represents the essence of NASA's mission. It is a bold international effort to deploy an orbiting laboratory by the end of this century. It is the logical next step in NASA's rich tradition of manned space exploration. We are in a tough fiscal environment that requires us to make difficult choices among equally deserving programs. No one debates the need to spend more money to address pressing current problems such as poverty, homelessness, and disease. However, it is equally important to invest in our future. The future of our U.S. competitiveness and national security will depend on precisely the kind of scientific and technological breakthroughs that space station is expected to generate.

As with previous space missions, we cannot predict what benefits space station will generate in terms of scientific and technical advances. However, if the past is prologue, then we can assume that space station will produce a stream of spinoffs. Spinoffs from previous space missions have enhanced our lives in numerous ways that we now take for granted. Microcomputers, pacemakers, water filtration systems, communications satellites, and many other developments are all byproducts of our space program.

Aside from potential spinoffs, space station will teach us about humans' ability to live and work in space for extended periods of time. The information and experience gained from space station will lay the critical groundwork for any future manned missions to the Moon and Mars. Space station will also help improve the quality of our lives here on Earth. As a microgravity laboratory, space station may develop drugs and materials that we could not develop on Earth. Equally important, space station is consistent with this country's historical commitment to learn more about the universe in which we live and exploring new frontiers.

Mr. President, in the debate over space station, it is critical to remember that space station is an international science project. Japan, Canada, and Western Europe have all invested considerable time, money, and effort in working on their segments of the Space Station Program. To date, they have spent $1.5 billion on space station. We must proceed with, and complete, the development of space station to honor our commitments to our international partners. If we do not, they may question our commitment to other international science programs, such as the superconducting super collider and the U.S. Global Change Research Program.

Mr. President, space station also promises to play an important role in stimulating interest among young people in careers in science, engineering, and other technical areas. Many of today's scientists and engineers chose their fields of endeavor after being fascinated in their youth by the *Apollo* mission and other manned space missions. Experts anticipated a 650,000-person shortage of scientists and engineers by the year 2010. Unless we can direct more young people into math and science, our technological base and our national security could be severely impaired in the next generation. I believe space station will help expand our pool of scientific talent.

Mr. President, space station is a necessary investment in our future, and therefore I must oppose the Bumpers amendment.

Mr. SPECTER. Mr. President, I am voting in favor of the amendment offered by my colleague Senator BUMPERS to the Department of Veterans Affairs and Housing and Urban Development, and independent agencies appropriations bill for fiscal year 1992 which transfers funding from the space station project to veterans-related programs within the Veterans' Administration.

I recognize the virtues of the Space Station Program. The program promises significant advances to our Nation and the world. It need not be stressed the many technological advances that our space program has provided over the years, such as the many developments in plastics, metal alloys, and medicines. The program promises to continue to advance new technologies, such as robotics, high-speed computers, lightweight alloys, high-accuracy navigation, new propulsion technologies, and many more.

I appreciate the need to move forward in seeking to expend all we can on science and technology. I believe, however, that fundamental budget priorities such as the veterans-related programs—which the amendment offered by my friend from Arkansas bestows additional funding—takes priority before a space exploration project of such grandiose proportions.

I have traveled throughout my home State of Pennsylvania and the United States, most recently as the new ranking member of the Veterans' Affairs Committee, to VA medical centers. While there, I have viewed outdated equipment and buildings; I have discussed with staff at these centers their recruitment and retention problems; and with veterans I have heard stories of care which often becomes too difficult for them to obtain.

When I first came to the Senate, the budget for veterans' benefits and services was $22.9 billion. This year's recommendation for veterans' benefits and services is $33 billion. Every year I have fought for additional funding for veterans' services, specifically increases in veterans' health care.

However, when one views the increases in health care costs over the last decade and the increasing age of our Nation's veterans, the additional $11 billion is not enough. The additional moneys that would be provided for veterans' services under this amendment, approximately $431 million, would be a start toward our goal of providing the best possible care and services to our Nation's veterans.

Yesterday, July 16, 1991, the Veterans' Affairs Committee heard testimony from service men and women who have returned from Operation Desert Storm with both physical and possibly psychological injuries. From this very moving hearing, I learned that it is unknown at this time the level of care needed for future veterans entering into the VA system. At this point in time we need to take a proactive stance and supply additional funding for medical care to ensure proper care to current veterans and the new veterans requiring care in the future.

For these reasons I am voting for the amendment that recognizes our Nation's budget constraints and the needs of our veterans' community, while allowing funding to be committed to meaningful scientific research. We must continue to serve those who have faithfully served our Nation and continue to pay an unrepayable debt to our servicemembers.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment.

Mr. GARN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—35

Baucus	Dixon	Metzenbaum
Biden	Exon	Mitchell
Bradley	Fowler	Moynihan
Breaux	Harkin	Nunn
Bryan	Hollings	Pell
Bumpers	Johnston	Rockefeller
Burdick	Kennedy	Sanford
Chafee	Kerry	Sasser
Cohen	Kohl	Simon
Conrad	Lautenberg	Specter
Daschle	Leahy	Wellstone
DeConcini	Levin	

NAYS—64

Adams	Gore	Nickles
Akaka	Gorton	Packwood
Bentsen	Graham	Pressler
Bingaman	Gramm	Reid
Bond	Grassley	Riegle
Boren	Hatch	Robb
Brown	Hatfield	Roth
Burns	Heflin	Rudman
Byrd	Helms	Sarbanes
Coats	Inouye	Seymour
Cochran	Jeffords	Shelby
Craig	Kassebaum	Simpson
Cranston	Kasten	Smith
D'Amato	Kerrey	Stevens
Danforth	Lieberman	Symms
Dodd	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	McCain	Wirth
Ford	McConnell	Wofford
Garn	Mikulski	
Glenn	Murkowski	

NOT VOTING—1

Pryor

So, the amendment (No. 769) was rejected.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. Mr. President, I want to thank Senators MIKULSKI and GARN for the excellent work they have done in bringing this bill before us.

Mr. President, I rise today to urge NASA to take action to protect our Nation's Landsat data archive. I know Senators MIKULSKI and GARN share my concern in this area. Currently, NASA plans to spend $1 million converting the past 19 years of Landsat data to a more durable storage medium. This amount needs to be increased, however, to avoid any further loss of Landsat data.

Mr. President, Landsat data have been collected without interruption for the past 19 years. During this time, the United States has flown five Landsat series satellites. With the launch of the NASA's Earth observing system [EOS] polar platform in 1998, Landsat data collected from these missions could provide a 26-year head start to NASA's Mission to Planet Earth Program.

In the Senate Commerce Science, Technology, and Space Subcommittee on April 24, 1991, we received testimony from Dr. Lennard Fisk the associate administrator in charge of NASA's Earth observing system. Dr. Fisk testified that if NASA could get access to existing Landsat data it would provide their researchers with a unique baseline of information about land conditions and changes during the 1970's, 1980's, and early 1990's that is not available from any other existing source. Dr. Fisk testified that the Landsat data would be ideal for the baseline against which NASA researchers could measure the extent of global change.

Environmental inventory data from the Landsat series of satellites is particularly suited to the long-term estimation and monitoring needs of the United States global change effort. Landsat data is vital for measuring rates of deforestation, desertification the movement of fragile ecosystem boundaries, and changes in vegetative cover and other land surface types. These data are crucial both as an early indicator of climate change and of changes in the chemical composition of the atmosphere.

Despite Landsat's obvious value, there is a problem.

Currently archived Landsat data exists in several different formats, which in some cases can only be processed on one-of-a-kind hardware systems. The data is becoming unreadable due to magnetic tape degradation or processing system obsolescence. Only a fraction of the data have been converted to a maintainable medium. For example, only about 10 percent of the approximately 400,000 MSS scenes acquired between 1972 and 1978 have been converted to usable, computer-compatible tape format. The remainder are stored on aging and deteriorating wide-band videotapes with no system available to process the data to a usable form. Similarly, since 1978, approximately 400,000 additional MSS scenes and 170,000 Landsat TM scenes have been acquired, and only 5 percent has been converted to a usable computer-compatible tape format. The issue of long-term conversion of Landsat data to a maintainable medium applies to all of the Landsat data acquired to date, of which approximately one-half is over 10 years old and deteriorating.

Because of funding limitations since 1984, National Oceanic and Atmospheric Administration and the United States Geological Survey Landsat archiving activities have been restricted to data maintenance. Large amounts of early environmental inventory Landsat data will continue to be lost due to tape degradation and other reasons unless additional funding is provided to transfer the data to a more permanent and retrievable storage medium. For this reason and because this data is so critical to the EOS Program, we need a long term plan from NASA for the purpose of protecting this national treasure. NASA needs to continue their cooperation with the Geological Survey to begin converting the past 19 years of Landsat data to a more durable archive medium.

We cannot stand by and watch the fruit of our Nation's investment in land remote sensing slowly rot. A small investment now will give NASA a headstart on understanding our home planet, while ensuring we do not lose the data we have already spent over $1.5 billion in collecting. I will look for a specific plan from NASA to accomplish this.

Mr. GARN. I certainly agree with the points made by the Senator and I will work with him and NASA to develop this plan.

Mr. MCCONNELL. Mr. President, as the Senate considers H.R. 2519 today, I would like to take a brief moment to talk about our Nation's veterans.

Next month will mark the tragic anniversary of the Iraqi invasion of Kuwait. Among the world powers, America responded first to this lawless aggression. In short order, U.S. soldiers and equipment rapidly deployed to that region. Thanks to brillant military leadership and the professionalism of all our soldiers and sailors, victory was total, swift, and decisive. We must now bring all our soldiers home as quickly as possible.

As we reflect on the year's events, I find myself impressed with the dedication of service displayed by our soldiers. Throughout our great history, brave American men and women have never hesitated to answer the call of duty when sounded. From World War I to the Persian Gulf, we are indebted to the countless sacrifices endured by our service men and women. Mr. President, to all veterans and their families, I extend my heartfelt thanks.

Senators MIKULSKI and GARN are to be recommended for addressing the needs of our vets in this bill. Over $14.4 billion is appropriated by the Senate for veterans' medical care—that's $33 million more than the House appropriated, and $331 million over the administration's request. The Senate also appropriated $805 million in VA operating expenses.

This bill also recognizes the need for quality assurances at VA medical centers—a concern expressed by numerous Kentucky veterans. The appropriation of some $15 million will provide for additional site inspections and will en-

sure high standards of health care at these facilities.

Mr. President, I urge my colleagues to demonstrate their support of America's veterans by supporting passage of this important bill.

Mr. KERRY. Mr. President, I rise in support of the committee report on the VA-HUD-Independent Agencies appropriation bill and commend Senator MIKULSKI and her colleagues on the subcommittee for a job well done in tough times.

As the Senate acts on the bill, I do wish to restate my strong hope that the Senate conferees on this bill will be able to agree to special Federal grant funding for the cleanup of sewage and sludge discharge to Boston Harbor.

Boston Harbor has been long recognized as one of the dirtiest estuaries in the United States. The harbor's serious pollution has resulted in diseased fish, closed shellfish beds, and periodically closed beaches.

In the fiscal year 1992 budget for the Environmental Protection Agency, the President requested $100 million for cleanup of Boston Harbor as part of $300 million in construction grant funding directed to the five largest municipalities which have yet to achieve full secondary treatment for their sewage discharge—in other words, the five cities with the largest and most serious sewage and water pollution problems. Most other cities have achieved this basic, health-related treatment level for their sewage discharges.

All five cities in the President's request, Boston, New York, Los Angeles, San Diego, and Seattle discharge into coastal waters. Completion of secondary treatment not only will bring critical environmental benefits to public health and safety but also will produce major improvements in fishing, swimming, boating, and other uses serving a regional population, in Boston's case, of over 8 million.

The Massachusetts Water Resources Authority [MWRA] is implementing a rigorous Federal court-mandated cleanup program which will total approximately $6.1 billion including secondary sewage treatment and removal of the domestic sludge discharge.

This is one of the largest public works projects in New England, 97 percent of the cost of which will be locally funded. By the year 2005, the average Boston area family is expected to pay more than $2,000 for water and sewer annually, which is nearly 5 times the current national average of $410.

Mr. President, the people of Massachusetts want a clean Boston Harbor; they want to comply with Federal law, and they are putting up the dollars to prove it.

Most major cities received significant grant funding to bring their sewage discharges into compliance with the Federal Clean Water Act. During the time in which grant funds were available, Boston sought modification of the Federal discharge requirement as authorized under section 301(h) of the act.

Many years of environmental studies and EPA deliberations culminated in the Agency's denial of the section 301(h) request, and planning for secondary treatment construction went forward. Now grant funds are no longer available.

The State revolving fund program under title VI of the act provides loans that would result in only minimal relief to Boston area ratepayers because of the high rating enjoyed by MWRA's own bonds. In other words, the interest rate differential between MWRA bonds and loans under the SRF program is so small that savings which would be realized by ratepayers is minimal at best.

The President's request for grant funding would provide a small, but welcome assistance to the ratepayers of the Boston area in meeting the secondary treatment construction burden and would result in significant environmental benefits.

As one of the five largest communities yet to complete secondary treatment, Boston is one of a logical category of municipalities deserving national recognition in the form of Federal grant funding assistance. That is not just this Senator's conclusion. That is EPA's conclusion. That is OMB's conclusion. That is the President's conclusion. And that is the conclusion of the House of Representatives.

For instance, EPA Administrator Reilly, testifying in the House earlier this year, made it clear that Boston and the other four cities required and deserved special Federal assistance, given the magnitude of the problem they confront, the history of Federal involvement in their cleanup efforts, and the benefits to public health and the coastal environment that will result.

Most if not all other large cities have completed secondary or more stringent treatment with a significant contribution from the EPA Construction Grants Program.

I know that the chairwoman of the appropriations subcommittee, my friend Senator MIKULSKI, appreciates this difficult situation. I understand and appreciate her view on earmarking. I am confident she will give this situation and the President's request additional careful consideration when this matter comes before the VA-HUD Appropriation bill conference committee.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE BRANCH APPROPRIATIONS FISCAL YEAR 1992

Mr. MITCHELL. Mr. President, pursuant to the authority vested in me under a prior unanimous-consent agreement and following consultation with the distinguished Republican leader, I ask the Chair to lay before the Senate H.R. 2506, the legislative branch appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Teresa Heinz, widow of John Heinz, late a Senator from Pennsylvania, $101,900.

MILEAGE AND EXPENSE ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,279,000, to remain available until expended, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,387,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $419,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $1,796,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $624,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of com-

pensation to be fixed by the Chairman of each such committee, $713,000 for each such committee; in all, $1,426,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $350,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $161,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $11,357,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,700,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,059,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses $18,000,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,080,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $833,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,142,000 for each such committee; in all, $2,284,000, to remain available until expended.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $77,000,000, to remain available until expended.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $336,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,855,500, to remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $88,800,000, to remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $7,200,000, to remain available until expended.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $185,768,000, to remain available until expended.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $34,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) For the purposes of any rule, regulation, or order that has the force and effect of law and that establishes or limits the annual rates of compensation of officers and employees of the Senate by reference to the annual rate of pay of Senators (or by reference to an increase in the annual rate of pay of Senators), the annual rate of pay of Senators shall be deemed to be increased (or the effective date of this section) to the annual rate of pay that would be payable to Senators without regard to section 703(a)(2)(B) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note; Public Law 101–194).

(b) Notwithstanding any other provision of law, an officer or employee of the Senate whose pay is disbursed by the Secretary of the Senate may not receive any honorarium while that individual is such an officer or employee. For purposes of this section, the term "honorarium" shall have the same meaning as in section 505(3) of the Ethics in Government Act of 1978.

(c) This section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 2. Section 4(c) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 121c(c)) is amended by adding at the end thereof the following new sentence: "On or before December 31 of each year, the Secretary of the Senate shall withdraw from the fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in excess of $5,000 in the fund at the close of the preceding fiscal year.".

SEC. 3. Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6) is amended—

(1) by inserting immediately after the second sentence thereof the following new sentence: "The Legislative Counsel of the Senate (subject to the approval of the President pro tempore) is authorized to appoint and fix the compensation of not more than 2 consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this section.", and

(2) in the last sentence of such section, by striking out "and the Secretary of the Senate, respectively" and inserting in lieu thereof ", Secretary of the Senate, or Legislative Counsel of the Senate, as the case may be".

SEC. 4. Subsection (a) of section 2 of Public Law 100–71 is amended by:

(1) striking "$25,000" and inserting "$50,000",

(2) striking "The Secretary of the Senate is authorized" and inserting "Hereafter the Secretary of the Senate is authorized".

SEC. 5. (a) Notwithstanding the provisions of section 105(d)(1) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(d)(1)), and except as otherwise provided in subparagraph (C) of such subsection (d)(1), the aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each fiscal year $1,012,083 if the population of his State is less than 5,000,000.

(b) Subsection (a) shall take effect October 1, 1991.

HOUSE OF REPRESENTATIVES

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $709,001,000, to remain available until expended, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $5,781,000, including: Office of the Speaker, $1,477,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,127,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,388,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $1,025,000, including $5,000 for official expenses of the Majority Whip and not to exceed $308,930, for the Chief Deputy Majority Whip; Office of the Minority Whip, $764,000, including $5,000 for official expenses of the Minority Whip and not to exceed $93,520, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $218,500,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $67,900,000:

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $409,000.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $57,900,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, $20,025,000, of which $8,615,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement for services provided from Members and Officers of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $214,518,000, including: Official Expenses of Members, $82,600,000; supplies, materials, administrative costs and Federal tort claims, $19,116,000; net expenses of purchase, lease and maintenance of office equipment, $4,427,000; furniture and furnishings, $1,810,000; stenographic reporting of committee hearings, $1,100,000; reemployed annuitants reimbursements, $1,000,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $103,833,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $632,000.

Such amounts as are deemed necessary for the payment of allowances and expenses under this heading may be transferred among the various categories of allowances and expenses under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $6,500,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, $80,000,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $48,878,000, including: Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $20,860,000; Office of the Sergeant at Arms, including not to exceed $500 for official representation and reception expenses, $1,288,000; Office of the Doorkeeper, including overtime, as authorized by law, $10,013,000; Office of the Postmaster, $4,377,000, including $126,850 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $19,805 per annum each; Office of the Chaplain, $120,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $946,000; for salaries and expenses of the Office of the Historian, $361,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,356,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,171,000; six minority employees, $713,000; the House Democratic Steering Committee and Caucus, $1,476,000; the House Republican Conference, $1,476,000; and other authorized employees, $1,721,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this heading may be transferred among the various offices and activities under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated for fiscal year 1992 for salaries and expenses of the House of Representatives, such amounts as may be necessary may be transferred among the headings "HOUSE LEADERSHIP OFFICES", "MEMBERS' CLERK HIRE", "COMMITTEE EMPLOYEES", "CONTINGENT EXPENSES OF THE HOUSE (STANDING COMMITTEES, SPECIAL AND SELECT)", "CONTINGENT EXPENSES OF THE HOUSE (HOUSE INFORMATION SYSTEMS)", "CONTINGENT EXPENSES OF THE HOUSE (ALLOWANCES AND EXPENSES)", "OFFICIAL MAIL COSTS", and "SALARIES, OFFICERS AND EMPLOYEES", upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 102. Effective for the fiscal years beginning with fiscal year 1992, the annual rate of pay for the positions established for the Democratic caucus and the Republican conference by section 2 of House Resolution 413, 94th Congress, as enacted by section 201 of the Legislative Branch Appropriations Act, 1976 and the positions established by sections 102(a) (1) and (2) of the Legislative Branch Appropriations Act, 1990 shall not exceed the annual rate of pay payable from time to time for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 103. The Clerk of the House under the direction of the Committee on House Administration, is authorized to receive payments of assessments for monthly equipment charges incurred by such organizations as are authorized by the Committee on House Administration. Receipts under this subsection shall be deposited into the Treasury for credit to the appropriate account under the appropriation for "Salaries and expenses" under the heading "Contingent expenses of the House", "Allowances and expenses".

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,020,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,391,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,759,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $1,000 per month to one Senior Medical Officer while on duty in the Attending Physician's office; (3) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $500 per month each to two assistants and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (5) $999,800 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,509,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, [$63,343,000] *$64,843,000*, of which [$31,389,000] *$32,094,000* is appropriated to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and [$31,954,000] *$32,749,000* is appropriated to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That of the amounts appropriated for fiscal year 1992 for salaries, including overtime, and Government contributions to employees' benefits under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including purchasing and supplying uniforms; the purchase, maintenance, and repair of police vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training, protective details, and tuition and registration, expenses associated with the implementation of the Capitol Police Employee Assistance Program, including but not limited to professional referrals, and expenses associated with the awards program not to exceed $2,000, expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $85 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $2,029,000, to be disbursed by the Clerk of the House: *Provided*, That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided further*, That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000: *Provided further*, That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1992 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,603,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred and twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $292,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the One Hundred Second Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $20,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official representation and reception expenses (not to exceed $3,500 from the Trust Fund) to be expended on the certification of the Director of the Office of Technology Assessment, expenses incurred in administering an employee incentive awards program (not to exceed $1,800), rental of space in the District of Columbia, and those necessary to carry out the duties of the Di-

rector of the Office of Technology Assessment under 42 U.S.C. 1395ww, and 42 U.S.C. 1395w-1, $21,025,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study [,- except that funds shall be available, and reimbursement may be accepted, for salaries or expenses of the Office of Technology Assessment in connection with facilitating completion of the work required by section 400DD(e)(1), and the report required by section 400DD(g)(2), of the Energy Policy and Conservation Act.]

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not to exceed $2,300 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, [$22,372,000] *$22,789,000*: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, $7,858,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $50,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000, which shall remain available until expended.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, [$21,990,000] *$23,427,000*, of which [$3,405,000] *$4,905,000* shall remain available until expended: *Provided*, That of the funds to remain available until expended, $2,000,000 shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, [$4,150,000] *$5,029,000*.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $40,000,000, of which $10,149,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, $33,403,000, of which $4,780,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Judiciary Office Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $30,800,000: *Provided*, That not to exceed $3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1992.

ADMINISTRATIVE PROVISIONS

SEC. 104. (a) Section 108(b)(1) of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b-3b(b)(1)) is amended—

(1) in subparagraph (A), by striking "the rate payable" through the semicolon and inserting "90 percent of the maximum rate allowable for the Senior Executive Service;";

(2) in subparagraph (B), by striking "the rate payable" through the period and inserting "85 percent of the maximum rate allowable for the Senior Executive Service."; and

(3) by adding at the end, as a flush left sentence, the following:

"For purposes of the preceding sentence, 'the maximum rate allowable for the Senior Executive Service' means the highest rate of basic pay that may be set for the Senior Executive Service under section 5382(b) of title 5, United States Code.".

(b) Section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b-3b) is amended by adding at the end the following:

"(c) Effective beginning with any pay period beginning on or after the date of enactment of the Legislative Branch Appropriations Act, 1992, the rate of basic pay for up to 8 positions under the jurisdiction of the Architect of the Capitol may be fixed at such rate as the Architect considers appropriate for each, not to exceed 135 percent of the minimum rate payable for grade GS-15 of the General Schedule.".

SEC. 105. The Legislative Branch Appropriations Act, 1989 is amended in the matter under "House Office Buildings", under the paragraph headed "Architect of the Capitol" (40 U.S.C. 175 note)—

(1) by striking "5 U.S.C. 5307(a)(1)(B)" and inserting "section 5306(a)(1)(B) of title 5, United States Code,"; and

(2) by striking "policy." and inserting "policy, and subject to any increase which may be allowed by the Committee on House Administration based on performance exceeding an acceptable level of competence over a 52-week period (except that no such performance-based increase shall affect the waiting period or effective date of any longevity step-increase or increase under such section 5306(a)(1)(B)).".

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, [$55,725,000] *$56,000,000*: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further*, That notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and for printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, [$89,941,000] *$89,341,000*: *Provided*, That funds remaining from the unexpended balances from obligations made under prior year appropriations for this account shall be available for the purposes of the printing and binding account for the same fiscal year: *Provided further*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edi-

tion of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That, to the extent that funds remain from the unexpended balance of fiscal year 1984 funds obligated for the printing and binding costs of publications produced for the Bicentennial of the Congress, such remaining funds shall be available for the current year printing and binding cost of publications produced for the Bicentennial: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1992".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,862,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, [$201,494,000] *$197,582,000*, of which not more than $7,300,000 shall be derived from collections credited to this appropriation during fiscal year 1992 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,300,000: *Provided further*, That of the total amount appropriated, $7,636,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: [*Provided further*, That, of the total amount appropriated, $4,870,000 is to remain available until expended for the deacidification program] *Provided further, That, notwithstanding the provisions of 2 U.S.C. 150, as amended, $622,000 is to be available to support the catalog cards service.*

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $25,823,000, of which not more than $14,000,000 shall be derived from collections credited to this appropriation during fiscal year 1992 under 17 U.S.C. 708(c), and not more than $1,979,000 shall be derived from collections during fiscal year 1992 under 17 U.S.C. 111(d)(3), 116(c)(1), and 119(b)(2): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $15,979,000: *Provided further*, That $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $41,179,000, of which $9,417,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $3,235,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $175,690, of which $54,800 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants the manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 205. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $10,187,000, of which $2,000,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $865,000, of which $735,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $26,327,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $117,000.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That during the current fiscal year the revolving fund shall be available for the hire of twelve passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and expenses" together may not be available for the full-time equivalent employment of more than 5,000 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15, nor to any employee involved in the in-house production of printing and binding: *Provided further*, That expenses for attendance at meetings shall not exceed $95,000: *Provided further*, That the revolving

fund shall be available for expenses not to exceed $100,000 for a special study of GPO's personnel and compensation systems.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); [$440,879,000] *$434,379,000*: *Provided*, That not more than $6,213,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1992: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That, notwithstanding any other provision of law, $1,800,000 of this appropriation shall be available for the planning, administering, receiving, sponsoring and such other expenses as the Comptroller General deems necessary to represent the United States as host of the 1992 triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI): *Provided further*, That the General Accounting Office is authorized to solicit and accept contributions to be held in trust, which shall be available without fiscal year limitation, not to exceed $20,000, for any purpose related to the 1992 triennial Congress.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

SEC. 306. Section 3216(e)(2) of title 39, United States Code, is amended by striking "subsection (1) of this section" each place it appears and inserting "paragraph (1) of this subsection".

SEC. 307. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, and subject to enactment of authorizing legislation, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of rental, lease, or other agreement, of temporary storage and warehouse space for use by the Library of Congress during fiscal year 1992, and to incur incidental expenses in connection with such use.

SEC. 308. Section 311(d)(2)(A) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a–2a), as amended by section 308 of the Legislative Branch Appropriations Act, 1991 (Public Law 101–520; 104 Stat. 2277), [is] *and section 315(a) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 60a–1b(a)) are each* amended by striking "5305" and inserting "5303".

[SEC. 309. None of the funds appropriated in this Act shall be used to implement the provisions of Public Law 101–576.]

SEC. 309. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 310. Section 316 of Public Law 101–302 is amended—

(1) in the first sentence of subsection (a) by—

(A) striking "1991" and inserting "1992".

SEC. 311. (a) The provisions of this section shall apply to any individual who is employed by the Senate day care center (known as the "Senate Employee Child Care Center" and hereafter in this section referred to as the "Center") established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 3 of the Act entitled "An Act to authorize appropriations for the American Folklife Center for fiscal years 1985 and 1986, and for other purposes", approved August 21, 1984 (40 U.S.C. 214b; Public Law 98–392; 98 Stat. 1362).

(b) Any individual described under subsection (a) who is employed by the Center on or after the date of the enactment of this Act shall be deemed an employee under section 8901(1) of title 5, United States Code, for purposes of health insurance coverage under chapter 89 of such title. An individual described under subsection (a) who is an employee of the Center on the date of the enactment of this Act may elect coverage under this subsection during the 31 day period beginning on the date of the enactment of this Act, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after such date.

(c) The Center shall make such deductions and withholdings from the pay of an individual described under subsection (a) who is an employee of the Center in accordance with subsection (d) of this section.

(d) The Center shall—

(1) maintain records on all employees covered under this section in such manner as the Secretary of the Senate may require for administrative purposes; and

(2) after consultation with the Secretary of the Senate—

(A) make deductions from the pay of employees of amounts determined in accordance with section 8906 of title 5, United States Code; and

(B) transmit such deductions to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(e) Government contributions for individuals receiving benefits under this section, as computed under section 8906 of title 5, United States Code, shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, "miscellaneous items".

(f) The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

SEC. 312. Technical Corrections to Ethics in Government Act of 1978. The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 103(i) by striking "7-day" and inserting "30-day"; and

(2) in section 105(b)(1) by—

(A) striking "Each agency" and inserting "Except as provided in the second sentence of this subsection, each agency"; and

(B) inserting after the first sentence the following: "With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g)."

This Act may be cited as the "Legislative Branch Appropriations Act, 1992".

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am pleased to bring H.R. 2506, the legislative branch appropriations bill for the next fiscal year, before the Senate. The committee is recommending a total of $2,309,582,400 in new discretionary budget authority for the agencies and activities funded in this legislation. This is, according to Congressional Budget Office scorekeeping, almost precisely equal to the legislative subcommittee's 602(b) allocation.

The aggregate increase over the enacted level for fiscal 1991 is $93.3 million, which is a little over 4 percent. The total recommended is $329 million less than the amounts requested in the President's budget, a reduction of 12.5 percent from the budgets proposed for the Congress and related agencies. I repeat, this is a reduction of 12.5 percent from the budgets proposed for the Congress and related agencies.

Mr. President, moreover, this $329 million decrease represents 78 percent of the increases requested. Let me underscore that point again. The committee is recommending that almost 80 percent of the increases requested by the agencies in this bill be denied or be deferred.

Most of the remaining growth over fiscal year 1991 is necessary to meet essential current service requirements such as mandatory pay and price level costs. Even here, though, we were not able to provide all of the resources that would be needed just to keep programs at the same level.

This is not surprising. This subcommittee's 602(b) allocation is, when certain scorekeeping adjustments are considered, less than the Congressional Budget Office baseline by almost $15 million.

Under the summit agreement, which we all have been asked to live under and which we are going to live under, the higher cost of compensation due to the new Federal Employees Retirement System and other elements is explicitly recognized. Personnel costs are growing at a rate significantly higher than general inflation.

The agencies in this bill are personnel intensive. They call for a lot of manpower. The work they do requires trained and capable people. An overall increase of a little more than 4 percent makes it very difficult to maintain existing staffing levels, let alone add positions for new initiatives or growing workload needs.

Organizations like the Office of Technology Assessment, the General Accounting Office, and the Congressional Budget Office do not have much flexibility in absorbing increases in mandatory pay or other uncontrollable costs. They can defer nonessential maintenance, equipment, and supplies. But that is about it. This is typically only a small percentage of their total budget.

Across the legislative branch as a whole, organizations typically are spending about 70 percent of their budgets on the personnel to which I refer. Most of the remainder, from roughly one-fifth to a one-quarter of the total budget, is going for modernization of computer and information systems. All other supplies, equipment, and nonpersonal items make up about 6 percent of legislative branch spending. So a funding shortfall will almost inevitably mean a loss of staffing and a loss of capacity.

In short, Mr. President, this is a very lean bill. Some will even say it is too tough, too lean. It will force some hard tradeoffs in the management of legislative branch agencies.

By and large, the only increases we are providing for the agencies in the legislative branch cover a portion of their mandatory personnel costs, inflation, and a few selected workload-related requirements.

The report accompanying the bill provides a fairly detailed explanation of its contents. Let me just briefly touch on some of the highlights.

First, let us talk about not only the legislative branch of Government but the Congress and specifically the Senate.

The total recommended for the Senate in fiscal year 1992 is $470.7 million. This represents an increase of $33.6 million over the enacted level and is a reduction of $3.1 million from the request. It is also, I might add, Mr. President, about $2 million below baseline. So it is a reduction in real levels of program activity from the current year as well.

Within this amount, the committee has provided funding of $2 million to support closed captioning of Senate floor proceedings. This is something that Senators in this Chamber have worked on for many, many years. There are Senators, with a direct personal interest in this initiative. One Senator in particular has a brother who is hearing impaired. That Senator has worked very hard to get closed captioning established. This is representative of the great need that we have in this body to assure that people, all people, can determine what is occurring. This service, which will be provided directly by the Office of the Secretary, should be in place before the end of this session.

We are also continuing projects to modernize Senate systems for data communication and correspondence management and preparing for the movement of the computer center and other support functions to space in the Postal Square Building.

Mr. President, the Presiding Officer comes from a rapidly growing State—on a percentage basis, not growing as rapidly as my State, but the growth is phenomenal. I get hundreds, hundreds of letters each day. I cannot imagine how many letters a Senator from a State like Florida, California, New York, or Texas gets. So we have a responsibility for the entire Senate, whether you are from a State with small population, Alaska, or a State with the largest population, California, to make sure that people who make inquiries to the Senate offices can get some response in a reasonable period of time. We are trying to do that with limited resources.

Mr. President, I would like to talk about related agencies of the Federal legislative branch. As I have said in the past, this is not just an appropriations bill for Congress. It funds organizations that not only provide direct support to the legislative process, but also produce services and products that have important benefits to all our citizens. The organizations funded in this legislation, leaving aside the Congress itself, have very significant functions and responsibilities in their own right. The record ought to be very clear on that point.

LIBRARY OF CONGRESS

Let us talk about the Library of Congress. We are recommending a total of $300,540,000, along with authority to spend a little over $23 million in receipts from copyright registrations and sales of cataloging data for the Library of Congress.

The Library of Congress is the world's premier library. That is without equivocation, without anyone being able to dispute that fact. The Library of Congress is the world's premier library. Its collections comprise the most extensive and comprehensive bodies of knowledge accumulated anywhere in this globe. It is truly a gem beyond compare.

The Library comprises the standard library functions, such as reference activities for the Congress and the public, and cataloging of library materials.

Mr. President, it would be a serious dereliction of our duty not to provide the resources necessary to maintain this Library's preeminence.

Last year we supplied the funds required to fill 218 vacant positions at the Library. A great majority of these 178, to be exact, are dedicated to reducing the current backlog in the cataloging of newly acquired materials. The bill we are recommending will continue support for that effort, which we are told in the hearings that we have held is the Library's highest single priority.

The ranking minority member of this full committee is a person that believes very much in the mission of the Library of Congress. Senator HATFIELD, senior Senator from the State of Oregon, has spent tireless hours trying to make sure that the Library is able to fulfill its function. And he and I have worked to try to do something about the backlog that this Library has accumulated over the years. Stacks of books, stacks of documents, maps, recordings, all kinds of things that the Library accepts simply have not been able to be cataloged and taken care of.

These documents, these books, were simply going into disrepair. They were being wasted. So we have worked hard to try to make sure that, if there is no other function fulfilled in these times of limited resources, we do something about the backlog. I think we have done a reasonable job in helping the Library meet those requirements.

In addition to the 178 that I talked about, the committee has also been able to find the money necessary to fill another 48 vacant positions in fiscal year 1992 to meet urgent program needs.

Ten of these are for the deacidification project, which despite a lengthy and somewhat checkered history, is critical to the preservation of the books and other printed materials central to our civilization. I am not gong to go into a lot of detail about why this is necessary. But in short, books were printed on paper, and if we do not do something with them the paper just evaporates, decomposes over a period of time. The books, the pages in the books, fall apart. This project to prevent this from taking place is ongoing. It is very important.

The Library also includes the Copyright Office, which is the central register for this country's creative works. It processes—and this figure is mind boggling—each year 600,000 claims.

The National Library Service for the Blind and the Physically Handicapped circulates 20 million talking books and books in Braille to more than 712,000 readers through the regional libraries in all 50 States and the territories.

A lot of times when you talk about these appropriations bills, it is as if they do not relate to real people, as if we are just picking numbers out of the air. And they are agencies of Government; they are very impersonal.

Mr. President, the Library of Congress deals with real people. I have just described a group of 712,000 people who cannot see, cannot see well enough to read, and because of the work done in the Library of Congress, these people can obtain talking books and other materials so that they can be part of the reading world.

I can remember before I came to Washington when a close personal friend of my mother unexpectedly went blind. She could see nothing. She had no premonition, no prior medical experiences that would indicate that she would lose her sight. But in a matter of 2 days she could see the mountains and the next day she could not see a page to read.

Well, I went to the county library. As a result of what is available through the Library of Congress, she was able to get talking books. We took them to her. We exposed her to a new world that she had been shut out from for over a year.

So what we are talking about here, Mr. President, are problems that real people have. And this great resource that we have, this Library of Congress, helps people deal with it, helps real people be able to do better than they could if it were not for the Library of Congress.

The Library of Congress is an institution, as I have indicated, Mr. President, that really does not have a peer any place in the world. I have said that three times here tonight in different ways, but that is true: The Library of Congress has no peer.

Its collections number 100 million items and form the knowledge base of this country. This library is the mother library for all libraries in our country. The Library has books and other library materials from all over the world in 400 languages. These foreign collections are invaluable to our Government and to our scholars.

As an example, during the Perisan Gulf war, the Middle East collections were heavily used, and the legal materials from this area were indispensable to the Congress and to the executive branch of Government in executing our constitutional responsibilities. Kuwait's central library was destroyed. Its resources are being replenished from the Library of Congress collections, which exceed those available in other Mideast countries.

So Kuwait is not going to Saudi Arabia, Iraq, Syria, or Egypt. They are coming here to replenish their library.

The Library's manuscript collections chronicle this Nation's history. Included in our Library of Congress are the papers of 23 Presidents, the papers of over 35 Justices of our Supreme Court, literary collections, including the papers of Walt Whitman, and the records of major civil rights organizations in this country, to name only a few.

I might add, Mr. President, one of the important projects that the Library has is to do something about the collective works of the NAACP. We have those. But they need to be cataloged, to put in some semblance of order. Quite frankly, they are not now. But, with the resources we are providing, the Library will get that job done. This, of course, is only a small speck of the work that will be done with those 200 positions. But that is an example.

The music manuscripts of the Library of Congress include Gershwin, Irving Berlin, Rodgers and Hammerstein, Leonard Bernstein, and Aaron Copeland, and represent some of the best creative genius of the century.

I think all Members of this body should take a tour of the Library of Congress. Quite frankly, not many of us have. Some of the most enjoyable hours that I have ever spent have been in the Library of Congress. One need only look across the street to see that beautiful architectural structure built by the Corps of Engineers before the turn of the century. It is beautiful on the outside and on the inside. I have been there, and I have actually held in my hands works of Mozart in his own handwriting.

What we are trying to do with the Library is hang onto what we have. As an example, we have a collection of nearly 3 million maps, 3 million maps and atlases. If you laid them out, they would cover 4 acres. It is the finest map collection library in the entire world.

It takes funds to organize and preserve these priceless treasures. We have an obligation to ensure that this heritage will be available to generations to come. Our predecessors in Congress have left us a legacy unequaled by any other nation.

The Library is not only a collection of priceless treasures, it is also an active national library that reaches out to this Nation. It catalogs books and periodicals for our Nation's libraries, over 200,000 titles each year. It saves libraries in our States at least $370 million in cataloging costs each year. Our libraries at home would have two choices: Not have the books, or pay for them themselves. If they paid, it would be an extra $370 million.

I have talked about the service to the physically handicapped, the 21 million

books and magazines per year which are circulated. This is a tremendous asset to our country.

The Library is a symbol of this Nation's respect for learning. Recently, we opened the grandly restored main reading room. It is so beautiful that it is difficult to describe what they left for us. President John Adams, in his "Notes for a Dissertation on the Canon and Federal Law" wrote: "Let us * * * cherish, therefore, the means of knowledge."

So I think that we can do no better than to try and live up to the words of John Adams—we should "cherish the means of knowledge." And this is a real admonition for us, as we discuss funding for the legislative branch of government and, in particular, our Library of Congress, which is the people's library.

Mr. President, the value of the Congressional Research Service, which is part of our Library of Congress, is well-known to this body. The Congressional Research Service provides the quick response analysis, and information which is absolutely indispensable in the legislative process. It also provides invaluable analysis across the entire spectrum of policy and programs and is an important source of assistance in responding to requests and inquiries from our constituents.

GENERAL ACCOUNTING OFFICE

The General Accounting Office has been recommended to receive $434.4 million for next fiscal year, plus authority for $6.2 million in offsetting collections. This, Mr. President, is an increase of $15 million over enacted levels, but it is below the fiscal year 1992 baseline by about $3 million. None of the additional 100 positions requested is approved in our budget. In fact, GAO will be required to absorb about one-third of their uncontrollable pay costs and all other price level changes. The recommended funding for the General Accounting Office will require GAO to evaluate its use of field resources as well as its overall management of congressional details and congressionally requested work to operate effectively.

Mr. President, I have appreciated the support, advice, and counsel from the ranking minority member on this subcommittee. We know that there are people in this body who are dissatisfied, as are Members in the body across the Capitol, with the services of the General Accounting Office. We have tried, through report language in our bill, to direct the attention of the General Accounting Office to some underlying dissatisfaction with their operation. And we have asked them to evaluate its use of field resources as well as its overall management of congressional detailees and congressionally requested work to operate effectively.

The GAO can only be the watchdog of Congress—as I think it is, but recognizing that there are some people who disagree—if it is a watchdog of all Members of Congress—of the Democratic Members of Congress and the Republican Members of Congress. We want the General Accounting Office to be nonpartisan in its approach. We not only want the General Accounting Office to be nonpartisan in its approach; we want it to be nonpartisan in how it appears to approach things. We do not even want the appearance of favoritism. So even though there are members in this committee who feel they have accomplished that, some do not believe that.

Senator GORTON and I do not want to fight here on the floor. We want the General Accounting Office to take care of this perception that some people have. It is up to them to do that. If not, we will be back here next year, and there will be a battle on the floor about the General Accounting Office.

The report includes language directing a number of steps intended, Mr. President, to assure better targeting of GAO's resources in the stringent fiscal environment. Our expectation is that the General Accounting Office will respond promptly to those directives. The agency's substantive work is extremely valuable, and its functions as an independent and impartial auditing and investigative unit are of critical importance. The GAO works very hard.

During the past year, the General Accounting Office completed work on over 1,400 congressional assignments—that is a lot of assignments—and testified over 300 times at the request of Congress on various issues. One of the agency's chief priorities has been to seek ways of improving the cost effectiveness of Federal programs by targeting audits and evaluations in these areas where potentially large dollar savings can be realized, and where the risk for management and fraud and abuse are very high. The Comptroller General has reported that, as a result of GAO's work, over $15 billion in measurable financial benefits have been realized in fiscal year 1990 alone.

The agency made significant contributions to congressional deliberations on difficult issues surrounding the savings and loan crisis and the new banking proposals. It also assisted Congress with the reports for addressing the need for improved Federal financial management, internal controls, and accounting systems. It has also addressed issues critical to decisions on revenue bills, issues relating to improved health care, and containing health care costs. GAO has issued report on the restructuring of the U.S. armed services, arms control, the changing of the U.S. role in NATO, future economic relations with Eastern Europe, and the effects of international economics sanctions on Iraq, and much, more more.

Mr. President, I want to spend a little bit of time talking about the Office of Technology Assessment. The recommended bill, the bill now before the Senate, contains $21.025 million for Office of Technology Assessment activities in fiscal year 1991. This will maintain the same level of core staffing, but provides none of the additional positions requested.

The Senate has to understand what a lean, bare budget this is. The Government Accounting Office gets no additional staff; the Office of Technology Assessment gets no additional staff.

OTA is a valuable source of assistance and advice to both Houses in grappling with the complicated and often ambiguous scientific and technical issues inherent in many of the policy questions the Congress must resolve.

OTA's governing body—the Congressional Technology Assessment Board—comprises Members of both Houses and sets the framework within which the agency operates. The current Board includes Senators STEVENS, KENNEDY, HOLLINGS, PELL, HATCH, and GRASSLEY.

CONGRESSIONAL BUDGET OFFICE

The bill includes $22,789,000 for the Congressional Budget Office.

CBO is best known for its budget related functions. It gives the Congress an independent and nonpartisan source for budgetary and economic analysis. It is an invaluable antidote to politicized data from OMB.

But CBO also presents the Congress with options and alternatives in a wide range of subject areas beyond the budget per se. CBO's annual analysis of the President's budget and its semiannual updates of the budget and economic outlook are of particular value to the overall work of this committee. But CBO studies help to inform policymaking in almost every domain, from defense and national security to agriculture and human resources.

Once again, this past year, the Congressional Budget Office played a pivotal role in support of congressional budget action, in particular supporting last year's budget summit. It simply could not be done without them.

From the time in May when the President and congressional leaders agreed to negotiations, through the arduous sessions at Andrews Air Force Base, to the breakthrough agreement, CBO devoted thousands of manhours to providing summit negotiators with timely and essential information: Providing an array of alternative economic scenarios as well as innumerable cost estimates of an incredibly wide variety of legislative initiatives, information without which the Congress would have been totally unarmed in these very tough negotiations.

In addition to its support of the budget summit, CBO made, and continues to make, a very substantial contribution to the issue of Federal deposit institutions. CBO was the first

agency to come forward with realistic figures on the cost of the S&L bailout, helping to demonstrate that the administration's estimates were just too unrealistic. Recently, as mandated by last year's budget agreement, CBO produced a seminal report on another area of financial concern to the Government; Government-sponsored enterprises. And just yesterday, the Director of CBO, Dr. Robert Reischauer, testified before the Senate Budget Committee about what we on the Appropriations Committee have already come to know all too well: That under the budget agreement, by the time fiscal years 1994 and 1995 roll around, the Congress will be facing some very tough decisions about how to comply with the very stringent discretionary spending caps.

But remember, Mr. President, that is what the budget summit was all about. How else can we save over a 5-year period a half trillion dollars.

Time and time again, the Congress has turned to CBO and demanded detailed information on complex issues in short order and, time and time again, the Congressional Budget Office has responded in an effective and thoroughly professional manner and has proven itself an institution of which the Congress can be justifiably proud.

ARCHITECT OF THE CAPITOL

The bill includes $153,666,000 to support the Architect's activities for the coming fiscal year.

The first Architect of the Capitol, Dr. William Thornton, was appointed by President George Washington in 1793 after his design for the Capitol Building was selected in a national competition. His responsibilities were confined to planning and supervising the construction of the new Capitol Building.

In the intervening years, the role of the Architect has expanded to reflect the development of the physical infrastructure of the Congress and the other public institutions located near the Capitol Square. He is now responsible for the supervision of all structural and mechanical improvements, additions, alterations, and repairs to:

The Capitol Building where we now stand and all the surrounding grounds; the Senate office buildings of which there are three, plus a lot of auxiliary buildings; House office buildings of which there are three and many auxiliary buildings; Library of Congress buildings and grounds; the U.S. Supreme Court building and grounds; Senate garages which parks thousands of cars; the Robert A. Taft memorial; and the U.S. Botanic Garden.

We are not going to talk a lot of about the Botanic Garden tonight. But we are going to have to face up to the Botanic Garden next year. We have there a building that is coming apart at the seams. There are places in the Botanic Garden that tourists do not go, the public cannot go, because it is too run down. We need to replace roofs, walls, and main structural elements. A major rebuilding of the Botanic Garden must take place or we are going to have to close the whole facility. It is in very, very bad shape. That is one responsibility of the architect.

These facilities, aside from their intrinsic historical and architectural significance, constitute invaluable capital investments. Their care, maintenance, and enhancement is a public trust of the highest order.

As anyone who has had an opportunity to travel across the Atlantic knows, much of the glory of Western civilization centers in its public buildings and monuments. The ancient Greeks and Romans and their heirs on the continent saw the architecture of public places as more than just the structures necessary to the conduct of government. They were, in addition, the embodiment of the greatness of a people and an expression of its fundamental aspirations and ideals. Our forebears were steeped in that tradition that they picked up from across the Atlantic. The beauty and monumental grandeur of the Capitol complex, the Mall, and other public places in this city are essential elements of their bequest to us.

We have also included funding and directives for a number of environmental initiatives; $580,000 is provided to expand the office recycling effort. One position and $148,500 will support improvements in hazardous waste management and disposal. There is, in addition, a $1 million pilot program to determine the feasibility and appropriate scope of retrofitting the legislative branch complex with energy efficient lighting. Several Senators are active supporters of these initiatives and I am glad we have been able to include them despite the tight funding constraints we face.

CAPITOL POLICE

The bill before the Senate contains a total of $66,872,000 to finance the Capitol Police in fiscal 1992.

Mr. President, I am prejudiced because I have been a police officer. The only police force I served on was the U.S. Capitol Police. So I personally take great pride in the Capitol Police. They are the unsung heroes of the peace and stability that we enjoy with our constituents and the rest of the people who work in these buildings. They do a tremendous job, Mr. President, and they do not get enough accolades for the work that they do.

This bill will support the current authorized work force but assumes that at least 50 of the uniformed positions on the House contingent will be civilianized this year. Assuming this goal is met or exceeded, the amount recommended will permit the pay compression. This is something they have wanted for a long time.

During the past several years, Members of Congress, their staffs, and the general public have been forced to reckon with an increasingly violent environment.

I can remember when I worked here as a Capitol policeman, my responsibilities were insignificant to what the Capitol policemen now have to put up with. It has even changed in the 9 years that I have been a Member of Congress.

Security procedures have developed and become more refined, as the volume and intensity of threats to peace and good order have grown.

The additional security measures associated with the recent war in the Middle East underscore once again the importance of a well-trained, professional, and technically capable police force.

Before leaving the Capitol Police, let me just say this, Mr. President. We should all be aware that some of the most major advances achieved by the Capitol Police in its lifetime have been under the direction of Chief Kerrigan. The Chief will be in office about 1 more week, when he will leave and start his retirement.

So I would like to publicly express to him the appreciation of the U.S. Senate for the work that he has done and certainly wish him well, and also express through him to the people that work in the Capitol Police the support and appreciation that the Senate gives to these people who make such a contribution to the peace and safety of this facility.

As I indicated a minute ago, this bill will impose some tough choices on all the agencies of the legislative branch. That situation is unlikely to change over the next several years. We underscore this reality in our report accompanying this bill. Let me just reemphasize that language here by quoting from it:

> It is obvious that any new initiatives, program enhancements or workload requirements will increasingly have to be financed by reallocating resources from programs and activities of lower priority. Changes in requirements can no longer be treated simply as automatic additions to the budget base. The agencies funded in this bill should begin now to build this fiscal reality into their programmatic and budgetary planning.

I know, Mr. President, that many of our agencies are disappointed with the funding that we are recommending. It is true that most of them did not receive everything that they have wanted and believe they need. In fact, as I pointed out earlier, we turned down 4 out of every 5 requests for increases. We, like every other subcommittee, are short of resources, but we have done the best we can do to meet essential requirements.

So, Mr. President, I urge the top managers in our legislative branch agencies to look around at their neighbors before complaining too much

about the funding they receive under this bill.

Before I yield the floor, I again want to publicly express my appreciation to Senator GORTON, the ranking member, for his assistance in the development of this legislation. It really was a pleasure to work with him and his staff. Arriving at the point where we have with this bill was not easy, but we made it. I appreciate very much the Senator from Washington using his wisdom and experience to assist the chairman of the subcommittee in coming up with a bill that we feel is a good one.

I also want to thank Senator BYRD and the full committee staff for their help in bringing this measure to this point in the process. Anyone acquainted with this body knows that Senator BYRD is a man of the Senate. His dedication to the welfare to the people's branch of Government is unexcelled.

We are also fortunate to have Senator HATFIELD as the ranking member of the full committee. Everyone in this Chamber knows how much time and effort he has devoted to improving the Senate and strengthening the legislative branch in general. Until this year in fact he was a member of this subcommittee, despite the availability of more advantageous assignments, and he still maintains an active interest, as I indicated, with the library and dedication to our work.

Mr. President, I yield the floor.

(Mr. AKAKA assumed the chair.)

Mr. GORTON. Mr. President, Chairman REID and I have spent a great deal of time attempting to balance the many competing demands on the Legislative Branch Subcommittee against limited financial resources. During the hearing process, we reviewed requests for increases—some as high as 56 percent from every entity within our jurisdiction and have denied all but inflationary and essential program increases. The fiscal 1992 bill is only 4 percent over the current year enacted level and totals $2.3 billion in budget authority, $484,500 below the 602(b) allocation, and $2.3 billion in outlays, $9.3 million below the allocation. The bill total is $328.9 million below the President's budget request. Senators should understand that the President, under longstanding custom, makes no independent judgment of the budget presentations of the legislative branch. Each agency within our jurisdiction prepares its own budget and transmits it to OMB for inclusion in the President's Budget submission.

Most of the agencies that we fund are essential to the smooth operation of Congress, so we will feel the same budgetary restraints that will be imposed on most other agencies of Government. With the current budgetary climate unlikely to change, agencies within our jurisdiction are, and will continue to be, forced to find savings within their current operating budgets in order to accommodate new work load demands and program increases. These agencies provide vital services to the Members of Congress, their staffs, our constituents and foreign visitors. Given the tremendous volume of work that is handled and the broad jurisdictions of these departments, many of the cuts we made were indeed difficult and will have a detrimental impact on their ability to deliver important services.

Certainly much of what was requested would enhance the operations of Congress but, as was the case with most subcommittees, the allocation was substantially less than the budget request. The legislative branch trimmed $320 million, or 12 percent, from the request and has produced what I believe to be a lean and fiscally responsible bill. In future years, legislative branch agencies clearly will have to become leaner and meaner if the Congress is to meet its long-term budgetary objectives.

Mr. President, the bill we have crafted provides for the essential operations of the House and Senate, the U.S. Capitol Police, the Office of Technology Assessment, the Congressional Budget Office, the Architect of the Capitol, the Library of Congress and the Congressional Research Service, the Government Printing Office, the General Accounting Office, and several other important entities, all of real importance to Congress and the public. As you will recall, this subcommittee addressed concerns relating to the enhanced security of the Capitol complex and surrounding buildings as a result of the increased threat brought on by the war in the Persian Gulf. This bill encompasses the routine annual funding needs of Congress and a variety of related agencies.

The subcommittee has included detailed justifications of the individual accounts in the report accompanying the fiscal 1992 bill. I will touch briefly upon a few of those items and I must say I agree with some of the comments made by the subcommittee chairman, Senator REID, whose attention to detail has made this a fine bill.

The committee has provided a total of $470.7 million to fund the essential operations of the Senate. This amount is $3.1 million below the budget request and $33.6 million above the current year enacted level.

The total amount provides $185.8 million for salaries and expenses of Senators' personal offices, $69.3 million for officers and employees of the Senate, $34 million for official mailing costs, $7 million for inquiries and investigations, as well as necessary funding to maintain the computer support, the leadership and conference offices, legislative and legal counsels, the Sergeant at Arms and the Secretary of the Senate, and a wide variety of activities directly supporting the operations of the Senate.

The committee recommends $66.87 million to finance the operations of the Capitol Police. In addition to providing for the security of the Capitol and congressional buildings and facilities, the Capitol Police serve as extensions of our offices, providing information and assistance to thousands of people who visit Congress each year. The amount provided will allow the Police Board and authorizing committees to implement the requested pay compression and to make other changes creating greater parity with local police jurisdictions.

The bill before us contains $153.6 million for the Architect of the Capitol to provide for the care, maintenance, cleaning, and operation of the various buildings and facilities supporting the Congress, as well as the structural care and maintenance of the Supreme Court Building and grounds.

Mr. President, the bill provides $709.2 million for the operations of the House of Representatives, an increase of $61.5 million over fiscal 1991. In keeping with the longstanding tradition of comity, the Senate does not address items exclusive to the operations of the House.

In addition to providing appropriations for agencies directly supporting Congress, the Legislative Branch Subcommittee appropriates funds for a variety of agencies which have broader jurisdictions than the Congress.

The committee has provided a total of $244.5 million for the Library of Congress, an institution that serves not only the Congress, but supplies hundreds of libraries and learning institutions throughout the country with books and material and has great historic value and interest, as was recently demonstrated by the Queen of England's recent visit to the newly restored main reading room. The amount provided represents a reduction of $32.2 million from the budget request and is only $4.6 million over the fiscal 1991 enacted level.

The sum of $26.3 million is provided for salaries and expenses for the Government Printing Office. This amount does not include the amount provided under Senate funding for Congressional Printing and Binding. This appropriation provides $173,000 less than the current year and $1 million less than the budget request.

For the General Accounting Office, $434.4 million is provided. This amount represents a reduction from the request of $55.1 million. The Senate has provided $6.5 million less than the House and includes specific language relating to GAO's use of detailed employees. There is little doubt that GAO provides a needed service, but the committee feels that the agency needs to streamline its operations and strictly adhere to its original agency mission and policy objectives.

The bill recommends $21 million to maintain the operations of the Office of Technology Assessment, an agency which provides Congress with highly specialized technical and scientific information to assist in our policy making responsibilities. This amount provides only mandatory adjustments over fiscal 1991.

Mr. President, the Congressional Budget Act of 1974 established the Congressional Budget Office as a nonpartisan analytic organization that furnishes the Congress with information and analyses on issues relating to the U.S. economy, the Federal budget, and Federal programs. CBO must provide scorekeeping, 5-year cost estimates of reported bills, and 5-year projections of new budget authority, outlays and revenues to the budget, tax and appropriations committees on all matters within their jurisdictions. Additionally, CBO must report whether a sequester will be necessary to adhere to the discretionary caps, pay-as-you-go requirement for direct spending and receipts legislation, or the maximum deficit amount for a fiscal year. To carry out these essential operations, the committee is recommending $22,789,000 for fiscal 1992. This amount is $611,000 below the request and $1.6 million above the current year's level.

Mr. President, I want to return the compliments paid to me by the chairman. Chairman REID and his staff have cooperated magnificently in putting this bill together.

It has been a pleasure working with them throughout the hearing process and I look forward to working together to resolve any questions that may arise during the consideration of this bill. I know that Chairman BYRD and Senator HATFIELD share great personal interest in the Legislative Branch Subcommittee and are anxious to move this bill through the Senate, conference with the House and approval by the President.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2506, the legislative branch appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $484,000 and under its 602(b) outlay allocation by $9.3 million.

I compliment the distinguished manager of the bill, Senator REID, and the distinguished ranking member of the Legislative Branch Subcommittee, Senator GORTON, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the legislative branch appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2506

LEGISLATIVE BRANCH SUBCOMMITTEE—SPENDING TOTALS

[In billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2506		
New BA and outlays	2.3	2.1
Enacted to date	0.1	0.3
Adjustment to conform mandatory programs to resolution assumptions		
Scorekeeping adjustments	0	0
Bill total	2.4	2.4
Senate 602(b) allocation	2.4	2.4
Total difference		
Discretionary:		
Domestic	2.3	2.3
Senate	2.3	2.3
Difference		
International	0	0
Senate 602(b)	0	0
Difference	0	0
Defense	0	0
Senate 602(b)	0	0
Difference	0	0
Total discretionary spending	2.3	2.3
Mandatory spending	0.1	0.1
Mandatory allocation	.1	.1
Difference	0	0
Discretionary total above (+) or below (−):		
President's request	−.3	−.3
Senate-passed bill	NA	NA
House-passed bill	NA	NA

Mr. BYRD. Mr. President, I congratulate the manager, Mr. REID, and the ranking manager, Mr. GORTON, for the superb work they have done in shepherding this legislation through the hearings, through the markup in the subcommittee, through the markup in full committee.

Now that they have brought it to the floor, I wish to commend them and their staffs for the splendid cooperation that has been demonstrated between these two Senators and other Senators on the committee on both sides of the aisle, and for the dedication which they have shown in dealing with this legislation.

Having been the chairman of the full committee now for 2½ years, I have had an opportunity to watch the other Members as they have dealt with their respective bills, and I must say that Senator REID and his counterparts have excited my admiration and appreciation.

Mr. President, I shortly will offer an amendment on behalf of myself, Mr. STEVENS, Mr. MITCHELL, and Mr. DOLE. The amendment that I will offer has three essential elements.

First, it restores equality in compensation between Members of the Senate and Members of the House.

Second, it prohibits the acceptance of honoraria by Members, officers, and employees of the Senate.

Third, it imposes the restrictions on outside earned income and employment enacted in the Ethics Reform Act of 1989, Public Law 101-194. In other words, it would limit outside earned income to no more than 15 percent of the base salary. Finally, the amendment includes rescissions which fully offset the costs of this amendment for fiscal years 1991 and 1992. Therefore it is deficit neutral and with the subcommittee's allocation.

As all of the Members of this body are well aware, the Senate is the only institution in the Federal Government—one may look to the east, to the west, to the north, to the south—nowhere else in the Federal Government will they find an agency, a department, an entity that has not received a comparability pay adjustment consequent upon the report of the 1989 Quadrennial Commission on Executive, Legislative and Judicial Salaries, within the exception of the U.S. Senate. That is it.

The Commission, it should be remembered, recommended a 50.8-percent increase in the compensation for senior positions throughout the Federal Government. This was the adjustment necessary to restore the purchasing power of senior executive, judicial and legislative salaries to the level that existed in 1969, 20 years ago.

The Commission also recommended, among other things, the enactment of legislation abolishing honoraria for all three branches and prohibiting outside earned income for activities or services that create or appear to create a conflict of interest in the performance of official duties.

President Bush endorsed the Commission's findings and incorporated its salary recommendations in his fiscal year 1990 budget.

Under the law existing at that time the Commission's pay recommendations would have gone into effect automatically unless disapproved by resolution of the Congress. Not surprisingly, a resolution disapproving the 50.8-percent increase in salaries was enacted. This set in motion a protracted process which culminated in the Ethics Reform Act of 1989.

This legislation made several changes in the Federal pay structure. First, the act, section 703, provided for a comparability adjustment of 25 percent in the salaries of Members of the House, other senior officials in the legislative branch—except for Senators, Senate officers, and senior Senate staff—and for all top-level positions in the executive and judicial branches effective January 1, 1991.

Second, it set the salaries of Members of the House and others at the rate equal to level II of the Executive Schedule, $125,100, for purposes of future pay adjustments.

Third, it restored the cost-of-living adjustments for fiscal years 1989 and 1990 for Members of the House and senior level executive, judicial and legislative officials—other than the Senate—effective February 1, 1990. These cost-of-living increases had been denied due

to pay ceilings previously in force for those years.

Fourth, the act changed the method by which COLA's for Members of Congress, senior executive officials and judges and officials in the judiciary branch are determined. Since 1975, the COLA's for these positions were the same as those provided for by the General Schedule through the elaborate pay comparability process. Starting in January of this year, however, they are set equal to annual changes in the employment cost index for private sector wages and salaries, less one-half of 1 percent. Thus, the adjustment on January 1 turned out to be 3.6 percent.

In conjunction with these pay adjustments, the legislation also enacted a package of ethics reforms. The Senate was treated differently from the House, differently from the judicial branch, differently from the executive branch in certain respects. The principal differences between the Senate and the rest of the Government come down to this: The Senate chose to forego the comparability pay increase of 25 percent, took a larger COLA adjustment, and exempted itself from both the ban on honoraria and the restrictions with respect to the amount and source of permissible outside earned income.

In lieu of the outright ban on honoraria, the limitation on the amount that a Senator could retain was reduced from 40 percent of a Senator's salary to 27 percent, or approximately $27,300, in 1990. In addition, this limitation is decreased dollar for dollar for any increases in Senators' salaries until honoraria are phased out—which will be a long time.

Currently the limit on honoraria is just over $23,000.

There is presently no limitation on earned income for Senators, other than honoraria from outside sources. Taken together, these changes have produced significant discrepancies in official compensation between the Senate and the rest of the Federal Government—the whole shebang.

As of the first of this year, the salaries of Members of the House rose to $125,100 or $23,200 more than the current salaries of Senators. This is, of course, exclusive of honoraria and earned outside income for Senators. Nor is this pay differential confined to the House and Senate, as I have already indicated. Every other agency and entity in the Federal Government can and does pay its senior personnel at substantially higher levels than does the Senate. The entire executive branch, the judiciary, even the legislative branch agencies such as the Library of Congress, the General Accounting Office, the Government Printing Office, the Congressional Budget Office, the Office of Technology Assessment and the Architect of the Capitol, all of these—all of these—now have pay structures that provide compensation at much higher levels than Senators now receive.

A Senator's salary, as I have indicated, is $23,200 less than the salary of a Member of the House of Representatives.

As a matter of fact, I saw in Roll Call magazine just within the last 2 weeks, a headline that said 81 staff members in the House receive more pay, higher salaries than do Senators.

In reality—I should say again that a Member of the House receives in yearly salary $125,100—but in reality, a Member of the Senate can pocket $124,968, almost as much as a Member of the House receives in compensation. That fact is true right now before any legislation changing the rate of pay for service in the United States Senate is adopted.

The extra $23,068 that Senators may earn receives the close scrutiny of few Americans. It is called honoraria.

Actually, there is no limit on the amount of outside honoraria or fees for appearances that a Member of the Senate can earn, but he or she can keep for personal use an amount equivalent to 22.63 percent of the current $101,900 Senate salary, or $23,068. Members are required to report the amount and source of all honoraria in public reports each year. So it is legal.

I have accepted honoraria. Almost every other Senator, I suppose, has accepted honoraria. It is legal. We have to report it. But not everything that is legal is necessarily honorable.

In effect, every Member of this body can continue to collect nearly a 23-percent pay raise every year. But that pay raise is not paid to the Senator by the people who elected him to serve. It does not come from the Federal Treasury. That extra $23,068 comes through the back door, through the special interests, into a Member's pocket.

It works like this: an outside special interest group can pay a fee of up to $2,000 per appearance for a Member to make a speech or just to have a cup of coffee and perhaps answer a question or two. These are usually not Members' constituents. I would never expect my constituents to give me an honoraria, and I would assume that most other Senators feel the same way. These special interest groups are most often groups that are based in Washington and they have a vested interest in legislation that will come before the Senate in a given year.

There is nothing honorable about honoraria. It is simply a way for special interests to gain access to Senators and, in doing so, the special interests hope—hope—to influence Senators.

The perception that Members are beholden to the special interests is reinforced by the system.

Chasing honoraria takes time away from the people who send us here to represent them. It takes time from the reflection, study, and debate that Senators ought to engage in.

The perception of conflicts of interest when Members of the Senate accept honoraria is disturbing. When members of the committees, say, dealing with agriculture receive honoraria from tobacco interests, when Banking Committee members get honoraria checks from the banking industry, and America's military contractors spread honoraria money among members of the Armed Services and Appropriations Committees, this is the appearance that special interests are buying legislative attention and currying favor with key Members of the Senate.

The Senator who receives the honoraria may, indeed, not be influenced thereby, but the perception is to the contrary and the damage is done, and it is done to the institution.

The belief that honoraria represent money well spent by the special interests is evident by the fact that honoraria receipts continue to break annual records. In 1989, 71 U.S. Senators, including myself, kept a total of $2 million in honoraria for personal use. The Senate is the only place in the Federal Government where honoraria for personal use have not been banned. Everywhere else we say "Do not touch it, no honoraria." But as a Member with a special interest in, and love for, this institution, I am increasingly concerned by the perception that this great body is seen by the public at large to have lower ethical standards than does the House of Representatives or the executive branch or the judiciary.

It is past time for this body to end the unsavory practice of allowing honoraria for personal use. I have joined with other Senators on two previous occasions in offering legislation to ban honoraria. The amendment that I have offered on this bill in behalf of Mr. STEVENS, the majority leader, and Republican leader would correct this wrong.

Our amendment to the campaign finance reform bill in 1990 and to the same bill in 1991 passed by strong majorities. Unfortunately, that legislation has yet to become law, and it probably will not become law. But here is a horse that will go to the President's desk. It is a horse that can ably carry this rider to the President's desk and get it there in due time.

And so today I have risen again to try to do what is in the best interests of this institution and in the best interests of good Government: Namely, end the back-door salary supplement for Senators, and secure legislation to equalize Senate salaries with the amount provided to the other House of the U.S. Congress.

There should not be a double pay standard for service in the Congress of the United States. Every Senator ought to feel that the work he does is as valuable to the constituents of his

entire State as is the work that is done by each Representative who represents a district in that same State. I think it is demeaning to the Senate to be a second-class body. Any Senator ought to be willing to stand up and say, "I am a Senator. I was elected to make tough decisions."

This is a tough decision. Now is the time not to run from a tough decision. Why should Members of the other body receive higher salaries than Members of this body? Why should members of the executive branch receive higher salaries than Members of this body? And the same can be said about the judiciary.

There should not be a double pay standard for service in the Congress. There are far-reaching ramifications to such an arrangement that, if not changed, will result in the slow erosion of the quality of the men and the women who offer their talents for service in the Senate. We must not perpetuate an arrangement which effectively shuts people out of serving in the Senate.

To continue down this road means there will not be any welders that come out of the shipyards in Baltimore and stand in this place. There will not be any more meatcutters that come out of the coal fields of southern West Virginia or Indiana or Illinois or Kentucky or Alabama to stand in this place. There will not be any garbage boys that come out of the hills of West Virginia, or produce salesmen, or even small, very small, small business operators that will come here to give of their talents. They too have talents that can be useful to the Senate and to the country.

Do only the wealthy have talent? I wish I were wealthy. I do not envy the wealthy. I want only what is due me. But I feel that when it comes to this Senate floor, the poor boy or the poor woman may serve as well, may serve as industriously, as dedicatedly, as devotedly, as efficiently, as skillfully, as can the scion of the wealthiest sire in this country.

That is what I am fighting for here tonight. It is easy to demagog. This is a great issue to demagog—easy. This is not to say that there may not be some Members who sincerely feel we should not equalize the pay of Senators with the pay of the House. But I want to see the two bodies on an equal basis. That was the way it was intended.

President Reagan stated it well in a January 6, 1989, letter to me concerning the recommendations of the Commission on Executive, Legislative, and Judicial Salaries. I quote from his letter:

> Fair compensation for those who bear the responsibility for effective functioning of our Government is critical at this juncture of history. The American people expect excellence at the top levels of Government, and they deserve to get it. But our Founding Fathers also envisioned a citizen Government whose members are drawn from all parts of our society.

That means that the son of a coal miner in West Virginia. That means that the farm boy out there working on the plains in the frosty mornings and late at night should be encouraged, as well as the rich man's son, to aspire to a Senate seat.

> We must not allow Federal service to become the province only of the wealth.

President Reagan said:

> We must ensure that the door to service remains open to Americans who must work to support their families, educate their children, and save for their retirement.
>
> As it now stands, Government service for any significant length of time presents a financial burden that fewer and fewer of those who are most highly qualified can afford to accept.

That is the end of the quotation from President Reagan's letter to me.

Mr. President, the double standard created by Members of this body, when in 1989 the Senate voted to retain back-door honoraria payments and reject the recommendations of the Quadrennial Commission, delivered a double whammy in terms of attracting the kind of talent necessary for service in this body. Already, the staggering costs of running for a U.S. Senate seat discourage talented men and women of modest means from even attempting a race.

In the 1990 cycle, the average cost of running for the Senate was around $4 million. Think of facing that mountainous cost. Then add to that the fact that Senators make $23,200 less than Members of the House, and it becomes apparent that there are more appealing challenges anywhere in the Federal Government other than running for a seat in the United States Senate.

There is another double standard we have created in this body which is even more absurd than the one we have created with the House of Representatives. We have set up a situation of inequality and pay even among Senators. Thirty-four Senators have adopted a policy of not accepting honoraria. That means that they are paid less than Members of the Senate who take honoraria.

Additionally, Senators who do take honoraria—and I have been one of them—and who serve on certain committees, receive more offers of honoraria than do those Senators who serve on committees less interesting to the special interests.

So, in effect, we have set up a several-tiered system of salaries for United States Senators: One tier for Senators who are able to earn the maximum honoraria and who do so; one tier for Senators who cannot earn quite as much honoraria but who do take some; and the last tier for Senators who do not engage in the practice at all.

The situation makes absolutely no sense, and it is crying out to be rectified. What needs to be done is for Senators to wean themselves from the odious practice of taking honoraria and start to draw the same pay as a Member of the House—but from the same source, the people who send us here.

Members of both Houses ought to draw it all from the same source. To the people who elect the Members of both Houses, and to those so-called good-government advocates who will certainly oppose this effort to put the Senate at parity with the House, I say how does it enhance good government to make service in the Senate the luxury which only the wealthy can afford? How does it make for good government to retain a system which tends to sanction back-door salary supplements through honoraria?

Most Americans are inclined to say no to a pay raise for Members of Congress. They have said it for 202 years, and they will say it for the next 202 years. Yet, this is the most important board of directors of any business in the world—right here, the Senate and the House of Representatives. And there is not a single facet in the lives of all Americans that is not directly or indirectly affected by the decisions that are made here in this body, in war and in peace.

In times of prosperity, and in times of depression, the decisions that are made here affect the veterans, the old people, the young people, the environment, energy, parks, U.S. forests—you name it. Each Member here makes decisions every day that impact on the daily lives of every American, old and young, rich and poor.

The present $101,900 seems an adequate compensation. I can understand that. Most Americans would be pleased to have half that amount or less. But few jobs demand the making of extremely tough decisions on trillion-dollar budgets, national unemployment benefits, crop insurance, nuclear arms treaties, billion-dollar projects, questions of health and safety and education which have to be made by United States Senators. Few occupations entail choices which will affect every man, woman, and child living in this country. The salary increase for Senators is a sound long-term investment in better government.

Given the gravity and the dimension of the many decisions that Senators are called upon to make daily, do we not need to try to attract the best and the brightest to Senate service? And is there someone who wishes to stand and say that the best and the brightest can only come out of the homes of the wealthy? How then would Daniel Webster ever have become a Member of this body? He was not a single child in a family. There are others one can name. Yet, if Senate salaries do not even keep pace with inflation, as indeed Senate salaries generally have not, how can we

attract the talent unless those individuals are also wealthy?

It is my belief that Members of the Senate should be paid the same as Members of the House, and paid by the taxpayers who send them to serve and not by the special interest lobbies in Washington.

That is my version of good government—have salaries high enough to attract the top talent which the American people deserve, prohibit outside income from special interests, and keep the top levels of government from becoming solely the province of millionaires. May God bless the millionaires. I wish I were one. I do not envy them at all. They, too, contribute. But let us also have a few poor folks in here at the same time. Let us open the doors to a few poor folks who may aspire to run for the U.S. Senate as well.

In the hands of the men and women of the Senate rests in large measure the fate of this Nation. It does not serve the Nation to pay Senators substantially less than the rest of the Federal Government. It certainly does not serve the Nation to allow Senators to subsidize those lower salaries through the back doors through special-interest payments. It does serve the Nation to elect people to the Senate who are capable and worth the pay that national public office ought to command. That thought ought to sober us all and give pause to the demagog.

Mr. President, I make a plea for equality—equality with the House of Representatives, equality with the executive branch, equality with the judiciary, and equality with those branches of the Congress that I have named already.

I know the problems of younger Senators who are sending sons and daughters to college. My wife and I have sent our two daughters to college. We have tried to help our grandchildren. I know the problems. I know the reasons why Senators feel that they need the honoraria. Let us get rid of that, but in getting rid of that, let us pay Senators the salary that is commensurate with what they can get by earning honoraria, and a salary that is equal to that of the Members of the other body. I urge my colleagues to support the amendment.

AMENDMENT NO. 770

(Purpose: To provide for an equalization in certain rates of pay, to apply the honoraria ban and the provisions of title V of the Ethics in Government Act of 1978 to Senators and officers and employees of the Senate, and for other purposes)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. STEVENS, Mr. MITCHELL, and Mr. DOLE, proposes an amendment numbered 770.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, strike out line 25 and insert in lieu thereof the following:

(b) Subsection (a) shall take effect October 1, 1991.

SEC. 6. (a) The rate of pay for the offices referred to under section 703(a)(2)(B) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note) shall be the rate of pay that would be payable for each such office if the provisions of sections 703(a)(2)(B) and 1101(a)(1)(A) of such Act (5 U.S.C. 5318 note and 5035 note) had not been enacted.

(b) The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 503(1)(B) by striking out "legislative branch officers and employees other than Senators, officers, and employees of the Senate and" and inserting in lieu thereof "Senators and legislative branch officers and employees";

(2) in section 505(1) by inserting "a Senator in," before "a Representative"; and

(3) in section 505(2) by striking out "(A)" through "(B)".

(c) Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

(d) Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is repealed.

(e)(1) Of the funds appropriated under the heading "SENATE" in any appropriations Act or joint resolution making funds available to the Senate before fiscal year 1992, and which (except for the provisions of this paragraph) would remain available until expended, of the remaining balances, $3,040,000, are rescinded.

(2) In addition to funds rescinded under the preceding paragraph, of the funds appropriated under the heading "salaries, officers and employees" under the heading "SENATE" of the Legislative Branch Appropriations Act, 1991, and which (except for the provisions of this paragraph) would remain available until expended, of the remaining balances, 250,000, are rescinded effective on the date of the enactment of this Act.

(f)(1) Except for the provisions of subsection (e)(1), the provisions of this section shall take effect on the date of the enactment of this Act.

(2) The provisions of subsection (e)(1) shall take effect on October 1, 1991.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have joined the distinguished President pro tempore on this amendment. In his usual thorough fashion he has made all the points I was going to make and more. I have spoken before on the floor during this Congress concerning the necessity to equalize the pay of the Senate with the House of Representatives.

There is no question in my mind that the existence of a separate salary for the Senate is a disincentive for young people to seek to come to the Senate, particularly from the House. Almost 40 percent of our Members have come from the House in the past. I cannot believe that a young person with a family could make the decision to run for the Senate, and do so at the expense of giving up 20 percent of their salary. It is to me just a matter of simple justice that we now eliminate honoraria and equalize these salaries. I wanted to do that last year. I think that we should have done it. But in our wisdom we do things slower in the Senate.

This amendment means a great deal, I think, to the people who work for the Senate. Members of the Senate who are unwilling to pay themselves what they should be paid to be equals to the Members of the House will not, in my judgment, make the decision to pay their people who work with them in their Senate offices and their committees what they should earn also.

I believe that the same 5,000 employees of the Federal Government who are now paid in excess of the Senate demonstrate that we have found, in our wisdom, in the past that there is justification to have a higher salary than we now pay ourselves. It is not easy to pay yourself. It is not easy to vote to pay yourself. But it is, unfortunately, a job that the Constitution leaves with us.

We have tried every kind of device and commission to cloak this decision from the Senate and the Congress in the past. None of them have worked. When it comes right down to it, our Members require us to vote, and we are going to vote. It is not going to be a voice vote. It is going to be a recorded vote, for everyone to see, on the decision of whether the Members of the Senate should be paid the same as the Members of the House.

I do not think there is any reason to delay that vote by too much to be said from my part. As I said, I think the President pro tempore from West Virginia, chairman of our committee, has made the case.

This morning, at the prayer group, I listened to a former Member of the Senate talk about the euphoria of election night, and he raised the question with us how to sustain that euphoria through a 6-year term. It is difficult to do, I think, when some Members of the Senate insist that others should bear the burden of management. This is a burden of management and, in my opinion, there should not be a dissenting vote. We know what the pay of the House is, and there is no reason for a Member of the Senate to be paid less than the Member of the House. This is not the normal pay raise vote. We passed that issue last year when we allowed the Members of the House to be paid more than we were to receive. We knew we would have to face it some day, and now is the day.

I just cannot believe that the Senate of the United States should disregard the history that the distinguished Member from New York, Senator MOYNIHAN, gave us through the rollcall here about 2 or 3 weeks ago when he described the history of the Constitutional Convention, and all that led up to the current provisions in the Constitution dealing with pay. There were those who believed at that time, Mr. President, that Senators should not be paid at all. They wanted a "House of Lords."

I think that the Senator from West Virginia has pointed out that that would not work in our democracy, nor will it work for this Senate to long be paid differently from that of the House. We had a period of time, even within my service, when the House Members were paid less than we were, by a mistake. They, at the last minute, decided not to take a pay raise that had been provided, and it went into effect. They changed it within a year.

My statement to the Members of the Senate is, no matter how anyone wants to describe this vote, it is not a pay raise; it is a pay equalization concept. We have crossed that bridge before.

I do not feel exactly the same way the Senator from West Virginia does about honoraria. It comes from the Chautauqua days of the past, the long tradition that those in public life went from place to place in our country, debated, answered questions and were paid a fee. That is still the situation in the Senate, until this bill passes.

I think there could be abuses and there probably have been, but I still feel there is a role for those of us in public service to go answer those questions, to take the trips, to explain to the national associations, national conventions, to teachers groups, union groups, and all of those who want speakers, what we are doing, why we have done what we have done. These are some of the challenges you face in public life. And those types of appearances are going to be required of Members of the Senate, whether we abolish this honoraria or not. We will have to cross the bridge as to how we handle that in terms of financing those trips in the future. For right now, this is a very simply issue.

Again, I say to the Members of the Senate who vote against this current proposal that I think maybe they ought to come and take some of the management of the Senate off of the backs of those who currently carry it. This is a task of leadership, in my judgment, to determine what is the fair compensation, not just for ourselves, but those who will come after us, because the history shows this pay will not be changed for 6 to 8 years now. It may be indexed for inflation, but it will not be changed to meet the comparability standards of the private sector for 6 to 8 years. That is a long-term decision. We will affect a lot of those who are not here yet by our decision.

I hope the overwhelming vote of the Senate will be to support the Byrd amendment. I congratulate the distinguished President pro tempore for his leadership and his willingness to put the time into this matter that he has devoted to it. It is, I think, another significant contribution that he has made to the Senate family.

For those who want to vote against this measure, I suggest they get a hotel room downtown, because I think most wives, if they were here on the floor, would vote for this amendment.

Mr. President, I ask unanimous consent that an article that I mentioned, written by Senator MOYNIHAN concerning the constitutional argument for increased Senate salaries, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Roll Call, June 27, 1991]

THE CONSTITUTIONAL ARGUMENT FOR INCREASED SENATE SALARIES

(By Sen. Daniel Patrick Moynihan)

A year ago, Aug. 1, 1990, the Senate took up an amendment to the campaign finance bill to prohibit Members from accepting speaking fees (or honoraria, a genteel usage of the academy now adopted here). I dutifully made my way to the floor to vote in favor. And did. But then got to wondering. The description of the measure that lay on the clerk's table in the well stated that the measure also limited "earned income" to 15 percent of Senate salary.

On sheer impulse, I went back to my desk and scribbled out a further amendment limiting "unearned income" to 15 percent also. I got the floor and sent the amendment to the desk, asking its immediate consideration, and asking further for the Yeas and Nays.

We speak of thunderclaps. Are there consternation claps. There must be, or at least there was one that afternoon. I spoke for ten minutes or so. No one spoke in opposition. The measure passed, 51 to 49. Friends approached in disbelief. They would have to leave the Senate! Do not worry, I insisted, the amendment would never become law.

It didn't, of course. And so we went through the same sequence this year. This time, however, I was better prepared. The essence of my argument was that the Founders had considered the subject of Senate pay at some length. The case had been made in Philadelphia that while Members of the House of Representatives should be paid, Members of the Senate should not. Inasmuch as the Senate was meant to represent the interests of wealth, and, accordingly, only the wealthy should be Senators.

This view was debated and rejected at Philadelphia. Accordingly, original intent—gotcha!—requires not only that Senators be paid, but that they be paid at the same rate as Representatives. There seemed no way to impress this fact on our more affluent colleagues other than to deny them access, whilst serving in the Senate, to the "unearned income" derived from inherited or accumulated wealth.

(Readers of Roll Call know that the real debate going on here is about raising Senate salaries to the level of House salaries. Abolishing honararia, as the House has done, would facilitate a return to equal pay. In the Senate, however, a sufficient number of the very wealthy members won't vote that way, not least because it seems to many unseemly to take money they don't need.)

Once again, no Senator appeared to oppose the measure. Sen. Mitch McConnell (Ky), Republican floor manager for the campaign finance bill, courteously yielded me five minutes "off the bill" that I might set forth the grounds for voting against the amendment. That done, the measure passed by 49 to 46, a margin of victory which I promptly claimed was "up 50 percent this year over last year."

The fact was reported. (New York Newsday: Moynihan Debates Self and Wins.) But no one picked up the constitutional argument. I found this in itself interesting, and in turn, grew more interested in the subject. I began to poke around in the literature, as they say, of constitution making.

Given the subject, the literature is surprisingly spare. Let me hasten to say that I am out of my field and quite possibly out of depth here. Even so, the Library of Congress is a pretty good resource. They have turned up a half dozen or so histories of the convention written in the source of two centuries! The earliest that I come upon is A View of the Constitution of the United States by William Rawle, published in Philadelphia in 1829. Chapter XVIII, "On Compensation of Public Officers" begins:

"The principle of compensation to those who render services to the public, runs through the whole Constitution."

He begins with the articles providing that Senators and Representatives and the President and judges shall receive compensation. He clearly regards this as a large matter and goes into some detail contrasting the exactions and injustices by which princes formerly provided for themselves. He treats the pay of military officers in some detail, and ends with this:

"A recent instance has proved that the charge of ingratitude cannot always be justly preferred against a republic.

"Invited to revisit a country, to which in early life he had rendered splendid and successful service; the heroism of General La Fayette has been rewarded, not merely by unbounded effusions of the public mind, but with a pecuniary compensation equally honourable to the donors and to the receiver."

Four years later, in Boston, Joseph Story published his celebrated Commentaries on the Constitution of the United States. He treats the subject of pay at some length. Medieval Britain required that shires and boroughs pay their own Members of Parliament. Two shillings a day was the going rate for knights, and was too much for many a jurisdiction. The practice had died out by the 18th century. By contrast, "it is believed that the practice in America during its colonial state was, if not universally, at least generally, to allow a compensation to be paid to members. . . ." Story is all for this:

"The principal reasons in favour of a compensation may be presumed to have been the following. In the first place, the advantage it secured, of commanding the first talents of the nation in the public councils, by removing a virtual disqualification, that of poverty from that large class of men, who, though favoured by nature, might not be favoured by fortune. It could hardly be expected, that such men would make the necessary sacrifices in order to gratify their ambition for a public station: and if they did, there was a corresponding danger, that they might be compelled by their necessities, or tempted

by their wants, to yield up their independence, and perhaps their integrity, to the allurements of the corrupt, or the opulent."

He cites Rawle, and even cribs a bit: "It has been justly observed, that the principle of compensation to those, who render services to the public, runs through the whole constitution." He insists the compensation should come from the federal treasury.

By contrast, 20th century constitutional historians—such as there have been—virtually ignore the subject. The best volume, Clinton Rossiter's 1787: The Grand Convention (1966), has only a minor reference to the debate over whether compensation should be had from the individual state or the national government. The most recent work, Christopher and James Lincoln Collier's Decision in Philadelphia (1986), ignores the subject completely.

Catherine Drinker Bowen's wonderful Miracle at Philadelphia (1966) devotes a total of 13 lines to the subject of pay, noting that the Convention, having got stuck on the all-important issue of big state/small state representation, turned to "lesser matters."

For the sake of argument, let me offer a deliberately controversial thesis. To wit, that the most discontinuous and important event at the Constitutional Convention was the decision to pay the President and the Congress. This was an assertion of popular sovereignty without equivalent in the constitution making of nearly three millennia. It stated the principle of careers open to talent well in advance of Napoleon, a generation later, much less the British Civil Service of the next century. Rawle and Story were close enough to the event to have seen it for what it was. It was new.

What was new was the provision that those who govern should be paid for their services. As servants are paid. To serve a master. To wit, the polity.

The ruling classes, as they used to say, of Great Britain, knew what was involved. A half century later the People's Charter of 1838 advanced six astounding radical proposals. The fifth was that members of the House of Commons be paid. The debate raged on until the next century when the measure was finally adopted by the same parliament that enacted unemployment insurance.

By contrast, we were there from the outset at Philadelphia.

It will be recalled that the original undertaking of the Philadelphia Convention was simply to amend the Articles of Confederation. But the Virgina Plan, offered by Edmund Randolph, went further. Resolution No. 4 provided that

". . . members of the first branch of the National Legislature ought to . . . receive liberal stipends by which they may be compensated for the devotion of their time to public service. . . ."

Franklin was not comfortable. Madison's notes of Tuesday, June 12, 1787:

"Doctr. Franklyn said he . . . disliked the word 'liberal.' He would prefer the word moderate if it was necessary to substitute any other. He remarked the tendency of abuses in every case, to grow of themselves when once begun. and [sic] related very pleasantly the progression in ecclesiastical benefices, from the first departure from the gratuitous provision for the Apostles, to the establishment of the papal system. The word 'liberal' was struck out nem. con."

Early on it was proposed not to pay the Senate. This body was to represent property in the respectful sense that Locke had written of "life, liberty and property." (Jefferson had changed that to the pursuit of happiness, but even so.) The matter was debated on June 26.

"General Pinckney proposed "that no Salary should be allowed." As this (the Senatorial) branch was meant to represent the wealth of the country, it ought to be composed of persons of wealth: and if no allowance was to be made the wealthy alone would undertake the service. He moved to strike out the Clause.

"Doctr. Franklin seconded the motion. He wished the Convention to stand fair with the people. There were in it a number of young men who would probably be of the Senate. If lucrative appointments should be recommended we might be chargeable with having carved out places for ourselves."

I would wish to put this as gently as possible. A large event took place a year ago when the House raised its pay to keep up with inflation. The Senate refused. To the contrary, we put in place an arrangement whereby the amount of outside "earned" income is reduced each year to reflect the cost of living adjustment of Senate salary, such that total earned income declines each year. (Banning all honoraria just speeds up the process.) This disjuncture could easily become permanent. A critical mass in the body now has no need of salary. Surely there is no need to spell out what follows.

Citizens! I bespeak you. Consult Madison. The Federalist No. 10. Published in the New York Independent Journal in 1787:

"The most common and durable source of factions has been the various [sic] and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation."

Your Constitution was designed so as not to lend further advantage to those of great property. It is called checks and balances. Senators! We take an oath to uphold and defend that Constitution. Against "all enemies foreign and domestic." Extending to the enemy of ignorance concerning original intent.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, when I came to the Senate almost 19 years ago, I used to hear the older Senators at that time, those who had seniority, speak about the Senate and its institutional value, and they used the word "institution" all the time. I heard what they were saying, and I appreciated it intellectually, but I did not fully understand what they meant by the Senate as an institution, about its place under the Constitution, about the reverence that they had for this institution, about the deep and abiding respect that those senior Senators, when I first came here, had for this institution.

Mr. President, I have studied now at the feet of some of the great ones in the Senate, now for almost 19 years. Among them is the Senator from West Virginia, Senator ROBERT BYRD, who through his long and scholarly work, his histories of the Senate, his lectures, both in the college sense of a lecture and sometimes a lecture as one who is senior and more knowledgeable gives to those who are uninstructed and need instructions. I have listened to those lectures now for 19 years. I have heard him, I have heard others, and I have come to understand what is meant by the word "institution," as connected to the Senate.

I have come to understand a little better, because of Senator BYRD and others, about the place of this body under the Constitution.

Mr. President, there comes a time, from time to time, not very often, when there is presented on the floor of this Senate an issue which is truly institutional, that directs itself to the very core of what this body is, its relative place, not only under the Constitution, but its relative place in our Government, and such is this issue tonight.

Mr. President, there cannot be any Senator who seriously thinks that the Senate of the United States should be paid less than House members. My son-in-law, who just got elected from the State of Indiana, of whom I am immensely proud, and who I think is making a smashing success over in the House, still just got elected to the House, and he is making $25,000 a year more than Senator BYRD, who has been here for 30-odd years, more than the chairman of the Appropriations Committee, more than the distinguished minority leader, the majority leader, more than any of us.

Mr. President, this is an institutional issue. No one can fail to grasp the gravity of that. No one can fail to grasp the significance of the fact that there are staff members on the House side making more than U.S. Senators, that Federal judges make more, that Federal bureaucrats make more.

Mr. President, what the teachings of Senator BYRD and others, through the years, have been is that when it comes to the institution of the Senate, Senators rise up above their parochial interests; they rise up before their personal interests; and they do what is right.

Mr. President, it is time for Senators to vote their consciences, their consciences, tonight, not their own political interest. Oh, I know Senators are afraid to death of the 30-second television spot. They are afraid of so many things, and I include myself.

Look, not one single one of us is above political votes. But there are just times when that institutional vote demands that we stand up.

I congratulate Senator BYRD. I congratulate Senator STEVENS, who had the guts to stand up through the years, and Senator DOLE, Senator MITCHELL, and others who had the guts to stand up for this institution.

I have not always done that. I will be the first to admit that. But it is not too late, and tonight is an issue of that kind of gravity.

And I urge my colleagues, I especially urge my colleagues who do not need any money, who come here worth millions, I would say to them—by the way, when I came here as a freshman and we had these kinds of issues up some of the older Senators, I remember particularly my colleague Senator Long, he did not need the money, but he would always vote for pay raises because he used to tell me, he said, "BENNETT, it is the right thing under the institution." I remember Senator KENNEDY and others who have done the same thing. I would urge all of those, especially those who do not need it, to exercise a little courage and a little institutional interest tonight.

The PRESIDING OFFICER (Mr. BAUCUS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I believe everybody knows I am opposed to this amendment, so I want to take a few minutes to express that opposition. I will not dominate a lot of time.

I hope that there is a majority against this amendment. I know that there are a lot of Members opposed to this amendment. I hope they will come over here and speak. If any of them thought that I was going to speak a long time so that they would not have to hurry over here if they want to speak, I want to inform my colleagues that I will take just a few minutes. So, others who are opposed to this ought to get over here and express their views because I think they want to vote on it soon.

Before I speak to the substance of the amendment, though, I compliment the proponents of this amendment. It is different than other pay raise proposals from the past, for which we had to deal with efforts to sneak a raise through, because the proponents wanted to avoid a rollcall vote. In this instance, the debate is very open, aboveboard. The proponents of the amendment have already asked for a rollcall vote, so everybody will be on record and everybody has an opportunity to watch the vote.

This proposal differs from a lot of previous proposals that were brought before this body through a back-door approach, specifically to avoid a vote. The public ought to be satisfied with this process, because in earlier years they have griped to us, not so much about the pay raise, per se, but attempts to get it passed without a vote and not to be accountable. The public should be satisfied that this procedure is aboveboard and everybody will be on record.

It is especially notable that it is not the opponents of the amendment that had to ask for the rollcall but the proponents of the amendment. So I compliment the proponents for the procedure that they have chosen.

It bothers me, as it bothers several of the speakers who have expressed it, that Members of this body get paid less than Members of the other body. Particularly, I suppose, because in most States Members of the other body represent only a fraction of the people represented by most of the Members of this body. Even though they represent fewer people, they earn more money than U.S. Senators. It bothers me that Members of the other body, who sit on only one or two committees, get paid more than Members of this body, who serve on three, four, and sometimes even five full committees, and even more subcommittees.

But it bothers me even more if "equity" means that we have to further burden the taxpayers with raising our salaries. If "equity" means accomplishing that, then I guess I am not for it. We cannot justify "equity" until certain conditions have been met, that would signify that we, the board of directors of this great corporation, do a good job of management.

I wish I could think of a more creative way to say that "two wrongs do not make a right." But that is about as straightforward as I can say it. Just because the House has done something that may not be right, and I am sure that a lot of you think it is right, but just because they get paid more than we do, it is not right for us to do the same things. We should raise our salaries only after we show that we can manage Government efficiently and effectively.

My measure of this, Mr. President, is pretty straightforward, and I think our constituents would agree. That measurement should be when we balance the Federal budget. Not only have we failed miserably at that task, but we have probably lost the confidence of the American people that we will ever balance the Federal budget.

I am well aware of the fact that discretionary spending has been sharply curtailed in the present budget compromise of last year, at least relative to the free-for-all spending of past policies adopted by this body. But as long as interest on the national debt continues to increase, and as long as Congress cannot get control of entitlement spending, and as long as Government mismanagement produces financial crises like the savings and loan debacle, and as long as Congress makes itself a budget priority, as we are doing right now then the budget deficit will not be appreciably reduced.

This Congress has to learn how to say "no," not just on this issue, but on a lot of issues also. When it comes to saying "no," that lesson is best learned first with saying "no" to ourselves.

Mr. President, we are elected to lead. Sometimes we have to lead by example.

The laboratories of American Government, our State governments and State legislative bodies, are providing a good example these last several months as they have wrestled with budgetary crises. State budget problems are worse now than they have been in nearly a decade.

The State of California, for example, is facing an unprecedented budget shortfall of $14.3 billion. Twenty-nine States ordered budget cuts totaling $8 billion for the 1991 fiscal year. States have been forced not only to tighten their budgetary belts, but also to take other drastic measures in order to bring their fiscal houses in order. For example, the Governors of Connecticut and Maine imposed temporary shutdowns of all nonessential State services. Also, about a month ago, the Governor of my State of Iowa was forced to deny State employees a modest pay increase due to budgetary constraints. Further constraints were just ordered a few days ago that are going to lead to the layoff of some State employees.

If other governments must make these difficult decisions, so must we here in the Federal Government. It has been suggested that as we sit as the board of directors of the largest corporation, we have to make even tougher decisions. I do not deny that. A lot of tough decisions have already been made. People who sat in the budget compromise last year put forth a lot of work and effort and made a lot of painful judgments.

But if State legislatures can make difficult cuts in their budgets so can Congress make cuts with the Federal budget.

Not only has the public lost confidence in our ability to balance the Federal budget, it has lost confidence in our ability to handle any complex issue forthrightly.

If the Senate is to restore public confidence in its ability to lead the country back to fiscal sanity, we cannot raise our own salaries first out of the block.

As is so often the case, folks back home say it better than any of us inside the beltway.

I would like to read a letter from a constituent from Pella, IA.

> I think, in light of economic straits in which we as a nation find ourselves, that certain things should be passed by in favor of the most important—as individual families have to do in the same circumstances. What do we do when we have to economize? Food, shelter, and only necessary clothing take first place, and perhaps some education where it can be worked out, but only with great sacrifice on the part of all.
>
> What I am getting at? Our citizens need food and clothing and homes. This must come before added padding on Federal salaries!
>
> I can understand legislators who want value placed on what they do, comparing their salaries to those of CEO's and presidents of big companies. But those huge incomes are immoral!
>
> There must be some sense of right and wrong.

It seems wrong to me that whenever budgets need trimming the money is taken from the benefits needed by the destitute and the poor who find themselves in increasingly desperate circumstances.

How can you justify that salary increase?

Well, Mr. President, that is just one constituent. I suppose there are some who could quote constituents who would say that we ought to have a salary increase. I know, as has been discussed here, that we work hard. But despite that hard work, we must raise ourselves above the standards set by the other body.

Mr. President, we cannot raise our salaries on a facade of fairness. When we raise our salaries, it should be due to merit, judged by our ability to legislate the affairs of this Government, and most importantly, to balance the Federal budget.

One final comment, Mr. President. This is not directed to the substance of the legislation, but once again on the procedure of passing the raise. I have complimented the proponents of this legislation for asking for a rollcall so we are all on record. I have complimented the proponents of this amendment for offering it as a straightforward amendment, not through some back door approach.

I, would, though, remind the proponents of the amendment that there was a third procedural problem about which we would often hear from our constituents back home. We tried to correct this problem in the 1989 legislation. This problem is also addressed by a lot of State legislatures that when they raise their salaries, those increases should not go through until there has been an intervening election. This was first proposed by James Madison, as one of the original amendments to the Constitution that was not adopted in that First Session of Congress. In other words, if we raise our salary today, it should not go into effect until the subsequent election and at the start of the next term.

We put in Public Law 101-194, a provision that salary increases would not go into effect until an intervening election. It is my understanding that, in this amendment, the salaries are going to be increased upon enactment.

I do not doubt that this can be done legally. I understand that the actions of a succeeding Congress, without having to specifically repeal a previous position of law, would have precedent. Here we are subverting what I thought was a very important provision of 101-194. That is, except for the cost-of-living pay raise, salaries should not go into effect until an intervening election. From this standpoint, I take exception to the procedures of the proponents of this amendment.

This is not the main reason that my colleagues should vote against this amendment. But it is something that we tired to fix the last time we dealt with this issue.

Mr. President, I yield the floor.

Mr. WIRTH. Mr. President, I have been in Congress for 17 years and I believe in that period of time I do not remember a pay raise that I have voted for.

I am going to vote for this one, Mr. President. I wanted just briefly to explain why, why I believe that this is the right thing for us to be doing.

First of all, this is the first opportunity that we have had to link this, as I believe we should, with honoraria. I have spoken on any number of occasions since I have been here about my deep concern about the impact of money in the U.S. Senate, both in terms of campaigns and in terms of honoraria. I think that this is an important opening wedge and that presents us all, by itself, with a reason for voting for this amendment.

Second, Mr. President, I have also spoken at some length about my concern that this is becoming an institution in which people who do not have money cannot afford to come here. The world has gotten increasingly complicated and expensive, particularly for those of us in the West who have to come a long way and carry two households. People do not understand that very well. But I understand it when you watch why people are unwilling now to run for the U.S. Congress, and that is wrong.

We ought to, as the distinguished chairman of the committee pointed out earlier, have an institution that is open to more Americans. And this is an opportunity to break down that barrier.

Finally, Mr. President, I have been very concerned about the fact that we are also making it less and less possible for younger people with families to be in the House or to be in the Senate. And I think that misses a tremendous amount of this country and the concerns that people in this institution should have as they view various issues through the eyes of their children, through the eyes of their concerns that happen in more than a generational sense. Having this pay raise I think will make that a greater possibility, as well.

I, myself, will not be taking the pay raise, Mr. President. I am going to set up a program in the State of Colorado, but that is my business. What is important, I think, is that we now take the step.

I understand this is controversial. I understand it is difficult; for many it is going to be hard to understand. But I think it is the right thing to do and I think that the time has come to make this decision.

Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, I will be brief.

I appreciate the words of the Senator from Colorado and when he argues that it is getting to the point where you have to have a tremendous amount of wealth or income to run for the U.S. Senate or to be a U.S. Senator, I can fully appreciate that, having been a college teacher and certainly not having that income.

I am not going to stand here and present some kind of broadside against many people that I serve with here whom I deeply respect. Senator BYRD has been a mentor for me. I guess I only want to say one thing. I find myself in opposition to the pay raise, and the main reason for that is that I feel very strongly that there is already too great a disparity between the income of those who are elected to office and the people that they represent. I really believe that.

All too often we make decisions about public transportation, but we fly in planes. And we make decisions about public education, but all too often we send our children to private schools. Or we make decisions about a range of different things, like health care for people, but we are fortunate enough to have our health care program.

So my feeling is that we have reached a point where, in a representative democracy—whereas I think we need to have some congruence between the incomes and the lifestyles of those who are elected and the people they represent—we have moved away from that. For this reason I do oppose this salary increase and I wanted to go on record as saying that.

Mr. DOLE. Mr. President, I think the distinguished Senator from West Virginia laid out a pretty good case. I cannot improve on it. I have been around long enough to know you cannot defend the pay raise to some people. The answer, to constituents, is why do you not just reduce the House pay. The better way to work this out to have parity is reduce the House pay. We cannot do that.

So, after about 9 months—longer than that—since the House pay raise was enacted, I think we are making a step in the right direction.

Maybe, as the distinguished Senator has indicated, maybe we are all overpaid. If Senators want to cut their pay in half, maybe it ought to be provided for in the legislation. But it is not. This is an institutional question.

I believe most people in my State will understand that as a Member of Congress, whether it be in the Senate or the House, there ought to be parity. We talk a lot about parity in farm States. We do not have it. We have not had it in the Senate for some time.

On the issue of honoraria, I want to indicate that this amendment allows Senators to collect honoraria, but they must donate it to charity.

I accept honoraria today, and will continue to do so. The only change will be that it will now all go to charities, instead of only a percentage which I currently donate.

I do not believe honoraria, in and of themselves, are evil. Some refuse to accept it, but accept compaign donations from the identical or related sources.

But I will just underscore the point that has been made by other speakers, that this is pay equity; pay equity. And I believe we are taking a step in the right direction. I know some Members just do not want to vote for a pay raise.

I want to underscore the point raised by the distinguished Senator from Indiana. I think it is particuarly incumbent upon those, who may not need a pay raise, deflect this money away; they have so much other money and they can give their pay raise away.

So I hope this amendment will be adopted.

I want to extend my thanks to the distinguished majority leader, my colleague, Senator STEVENS, and my friend from West Virginia, Senator BYRD.

I ask unanimous consent that my prepared remarks entitled "Pay Equity for the Senate" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BOB DOLE—PAY EQUITY FOR THE SENATE

Mr. President, late in the first session of the 101st Congress, both Houses passed the Ethics Reform Act of 1989 (P.L. 101-194). Among its provisions were those providing salary increases for senior Federal officials, including Members of Congress.

The act provided for a 25% salary increase for Federal officials, except Senators and the Senate leadership, effective Jan. 1, 1991. As a result, the salary of House Members increased from $96,000 to $125,100, effective Jan. 1, 1991. This adjustment represents an increase of 25%, as authorized by the Ethics Act, compounded by a 3.6% COLA increase.

Pursuant to the Ethics Act, Representatives are prohibited from accepting honoraria. Senators salary increased from $98,400 to $101,900, effective Jan. 1, 1991, reflecting a 3.6% COLA. The Ethics Act decreased permissible 1990 honoraria from the 1989 limit of 40% to 27% of salary.

Mr. President, I have been reluctant in the past to support pay raise legislation. During my thirty years in Congress, I have voted against a congressional pay raise seven times and for a pay raise on just three occasions.

My record shows that I have been reluctant to support legislation authorizing cost-of-living adjustments—or COLA—for Members of Congress, even though COLAs are regularly granted to most other Federal employees. I have voted against a congressional COLA 23 times and for a congressional COLA on only three occasions.

However, Mr. President, it seems to me that a United States Senator should be paid at least as much as a Member of the House of Representatives. I think most people in Kansas would agree that each of Kansas' two Senators should be paid as much as each of my State's five House Members. The fact is, Senators are making less than many staff members in the House of Representatives. I am not out here campaigning for more pay, but it seems to me that there should be pay equity with the House—particularly if we abolish honoraria as we do here. I support the elimination of honoraria and in so doing agree that pay equity with the House should be adopted.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, of all the problems with which Members of Congress must deal, none is more difficult and contentious than the question of compensation. It has been that way for 200 years.

The first Congress approved a constitutional amendment requiring an election to intervene before a pay raise for Congress could take effect. The States rejected it.

In 1816, the first attempt to raise congressional pay was repealed because of the clamor it caused. All subsequent compensation laws have been equally controversial, regardless of the time or the circumstances surrounding them. We have never had a satisfactory method for setting the compensation for high Government officials. We still do not.

Our society believes, and practices its belief, that money is an important and appropriate incentive for persons in virtually every area of human activity. Public service is one of the exceptions.

Americans do not want Government service limited only the wealthy. But they also do not want Government to be a means of enrichment for those who are not wealthy. Most Americans do not believe that high salaries are, in and of themselves, undesirable. But most Americans do believe that high salaries for public servants are undesirable. That is the public attitude. We must acknowledge it and respect it.

We must also recognize that the pay of high Government officials has not kept pace with the cost of living. The Constitution demands that the Congress establish its own compensation. The people demand that we do so in an open, reasonable, and fair way.

The problem we confront is the result of the self-inflected choice of the majority of Congress. Instead of accepting normal cost-of-living increases as all other Government employees and most other Americans do each year, the Congress has repeatedly rejected annual cost-of-living increases. The result is that congressional pay has fallen behind a little more each year.

This has also had the unfortuante effect of focusing greater attention on honoraria. Members of Congress have always accepted speaking fees. It is not a new practice. It is as old as our Nation. But in recent years, as controversy over the compensation of Members of Congress has grown, there has also grown a public perception that the receipt of speaking fees is improper and unethical.

I do not believe, for one, that this perception reflects reality. I believe to the contrary. Nevertheless, despite my belief, it is clear that a widespread perception does exist to the contrary among the American people.

The amendment before us will ban honoraria. Perception is important for public officials. We will not be able to restore the integrity of this institution in the public view until we abolish that perception. That much is reality.

For all Senators, this is not a vote that can or will escape criticism. Indeed, whenever the question of congressional compensation has come up throughout our Nation's history it has been the subject of great controversy and of criticism.

But it remains now for us to recognize that out of the conflicting views and desires of the public, of Members of Congress themselves, and the self-appointed critics of Congress, we have a choice. We can choose to accept the logic of banning honoraria and making the pay of Senators the equivalent of the pay of House Members. That is what this amendment will do. Or we can, instead, accept the evaluation of our worth made by our most severe critics.

That is what opposition to this amendment will do. This amendment deserves to be adopted. It is a reasonable and responsible and accountable piece of legislation. It bans honoraria, and it makes the pay of Senators equivalent to that of the House. In the overall level of compensation of Senators, including honoraria, there is no change.

Mr. President, I commend the distinguished President pro tempore, the Senator from Alaska, and the Republican leader for their effort and leadership.

I urge all my colleagues to join in working for this amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I want to underline and underscore what has been said by a number of Senators tonight. And that is, this is an up-or-down vote. There has been nothing that has been done to try to do this in any back-door method. It is a vote up or down on the merits. The Senate must work its will on this issue.

Mr. President, I regret that this amendment raising Member pay is being proposed to this legislation. I am afraid that this amendment will arouse so much opposition that it will jeopardize enactment of an appropriation bill for the legislative branch for fiscal year 1992. If that were to happen, the result could be serious disruptions in the operation of the Congress and its support agencies.

This bill, as I have sought to describe in my opening statement, provides funding for a whole range of important activities and programs throughout the legislative branch. And all of these functions have a vital role in the process of representative government.

Unless this bill is enacted, it will not be possible to maintain even existing levels of essential services at the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the General Accounting Office—to name but a few—will not become available. I would hope that we could avoid that outcome.

I, of course, also object to this amendment on substantive grounds. I will not take the Senate's time to go into all the reasons at this point. My distinguished chairman, the sponsor of this amendment, can be extremely compelling. I will only point out that I have opposed all proposed congressional pay raises since I came to Congress nearly 10 years ago.

The Senate must work its will on this issue. I will vote against this amendment. But I have learned that when I do not have the votes, the best thing to do is sit down and shut up. I do not believe I have the votes against this amendment and so that is what I will do.

The PRESIDING OFFICER. Is there further debate?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I am going to vote against this amendment granting a pay increase for Members of the Senate. This is the wrong time to raise Senators' salaries.

America is in the midst of a serious recession. Many Americans, and many Marylanders, are not getting any paycheck at all. Moms and dads sacrificing to put their kids through college, young families struggling to put away enough to buy a home, small business-owners worrying about the rising cost of health insurance—they certainly cannot vote themselves a pay raise.

The latest figures show that the Federal budget deficit is larger this year than ever before in American history. We send the wrong message when we vote ourselves a pay increase.

I know the cost of living is high in Washington, DC, I have introduced a bill that would provide an 8-percent pay increase—only 8 percent—for rank-and-file Federal employees who work here. But we are not debating that bill tonight. Instead, we are voting on a 25-percent pay increase for ourselves. I oppose it, and I will vote against it.

Mr. LAUTENBERG. Mr. President, I will vote to oppose the amendment to increase the salary of Members of the Senate.

I did not support the recent increase in the salaries of our colleagues in the House of Representatives. I appreciate the argument that there should not be a double standard in the Congress. But, I cannot support an amendment that would correct the disparity between the salaries of the two Houses by raising the Senate level.

With a recession still stubbornly plaguing my State and the Nation, with Americans exhausting unemployment benefits, with a budget deficit that is growing instead of shrinking, I cannot support an increase in Senate salaries, especially of this magnitude. And, this is a large increase.

I do believe that, in the interest of maintaining the integrity of the Congress, we should adopt a total ban on a honoraria. We serve here for the public and we should be beholden to the public and the public alone. When a Member accepts honoraria, there is at best the appearance, at worst the reality, of a conflict of interest. I support that aspect of the amendment that would restrict honoraria. My record is clear on honoraria. I am a cosponsor of S. 469, legislation to ban honoraria. I have voted on amendments, unlinked to a pay riase, that would end honoraria. But, a pay raise should not be the price the public must pay to remove the shadow cast by honoraria on the integrity of this institution.

I will vote against the amendment.

Mr. NUNN. Mr. President, I support the amendment offered by Senators BYRD, MITCHELL, DOLE, and STEVENS to increase the salary of Senators to the same level as the salary of Members of the House of Representatives, top administration officials, and executive branch employees, while at the same time prohibiting Senators from accepting honoraria. I want to outline my reasons for supporting this amendment.

This amendment will not increase my current income. Those of us who accept honoraria will lose exactly the same amount in honoraria income as we gain in salary. In other words, for me personally, this is a breakeven proposal.

However, Mr. President, I am concerned about the widening pay gap between Senate staff employees and other legislative and executive branch employees. The top salaries for Senate staff members are currently capped just below Senator's salaries. The Federal pay raise that went into effect in January 1991 means that in addition to Members of the House, senior staff members in the executive branch, in the House of Representatives, and in congressional support agencies such as the Congressional Budget Office, the General Accounting Office, the Library of Congress, and the Government Printing Office receive a higher salary than a U.S. Senator and—as a consequence—that of our senior staff. A recent article in Roll Call, for example, listed 81 staff members of the House of Representatives who currently earn more than a U.S. Senator and predicted that this number will increase.

Some people may argue that these other categories of senior Federal employees should not have received the pay raise back in January, but the fact is that they did. I voted against the pay raise for Senators in 1989, but I indicated at the time that I would support an increase in pay for senior level Federal employees.

This brings me to the primary reason that I support the amendment to increase the salary of Senators and ban honoraria: An increase in Senators' salaries will allow salaries of senior Senate staff members to increase. Mr. President, it is one thing for Senators to vote themselves a smaller salary than our counterparts in the House of Representatives. But by capping staff salaries in the Senate, we have created a situation where the rest of the Federal Government, including the House of Representatives, now has a much higher salary scale than the Senate.

Mr. President, this is not a good situation for the Senate to be in. It is becoming more financially rewarding for our top staff to work almost anywhere else in the Federal Government, not to mention the private sector. The long-term result of this situation will be a decline in the quality and effectiveness of our work as it becomes more difficult to recruit and retain top people to run our Senate staffs.

Let me illustrate this problem from the perspective of the committees that I serve on here in the Senate.

The Armed Services Committee, which I chair, has a very small staff compared to other committees in the Senate with comparable oversight responsibilities. My practice as chairman has been to hire senior, experienced staff people who can help the committee oversee the entire range of national security programs in the $291 billion annual defense budget. Members of the committee staff have come from prestigious—and well paid—positions in and out of Government to work for the committee. The stability and experience these staff members bring to the work of the committee are essential for us to carry out our oversight of national security programs for the Senate.

One of our committee staff members, for example, came to the committee after a distinguished career in the Foreign Service where he served as the second-ranking diplomat in our Embassy in Moscow and in top State Department positions. This staff member concentrates on United States-Soviet relations, Eastern Europe issues, foreign policy and intelligence-related programs for the Armed Services Committee. An individual with this experience is very much in demand in the executive branch and the private sector.

Another member of the committee staff was a vice president of the Rand

Corp. and a senior OSD official before coming to the committee. This individual oversees all Defense Department stategic programs, including the B-2 program and SDI, which total approximately $45 billion in fiscal year 1992. Again, individuals with this expertise are highly sought after.

The situation on the Permanent Subcommittee on Investigations which I also chair is very similar. One of the members of the subcommittee staff is a former assistant U.S. attorney with extensive trial and investigatory experience. The small subcommittee staff includes other outstanding attorneys and investigators with experience that is much in demand in other branches of Government and in the private sector.

Mr. President, it will become increasingly difficult for the Armed Services Committee and the Permanent Subcommittee on Investigations to retain these and other members of our senior staff if we do not change the current situation in which their salaries are capped well below the salaries of senior positions in the rest of the Government, and even further below the salaries paid by the private sector for their expertise and experience. Members of the Senate staff have a strong commitment and dedication to public service. We should not ask them to make financial sacrifices that the rest of the Federal Government does not have to make.

I realize that many Americans, and many of my constituents in Georgia, will not be happy with my vote on this pay raise, even though it does not really raise my own current income. Congressional salaries have become a symbolic issue to people frustrated by the Federal budget deficit, Federal income taxes, the size and complexity of Government, the insensitivity of the bureaucracy, not to mention the many national problems we struggle with each day, including a recession that has reduced the income of so many Americans.

I share these frustrations. But I believe that eliminating our ability to recruit and retain professional staff will make Government more expensive and less efficient than ever, at a time when we can least afford it.

Mr. WOFFORD. Mr. President, you can drive up North Capitol Street from this building, out beyond the beltway, along I-270 and onto Route 15 and in a little over an hour be in my State of Pennsylvania. It's really very close by.

But we could not be further from Pennsylvania when it comes to this pay raise issue. In my State, the median income for a family of four is less than $36,000. Our current Senate salaries are almost three times that much. As a matter of fact, this is the biggest paycheck I have had in my life. More than when I was a college president. More than when I ran a major State agency. More than when I practiced law.

Now, no one has to tell me that it's expensive to have two residences. I have had to set up a new residence here in Washington myself in the past 2 months. I know how expensive it is.

But Mr. President, all we have to do is see what has been happening to working families in our country over the past decade. All we have to do is listen to what people are saying about their elected officials. All we have to do is understand the anger and the frustration felt by our Nation's taxpayers. And then we would know that the last thing this Senate needs is another $23,000 a year on top of the $101,000 we already earn.

There is a national recession out there. Our people feel the pain. Now is no time for us to be paying ourselves more of our taxpayer's hard-earned dollars.

Mr. SPECTER. Mr. President, I am voting against the pay raise for U.S. Senators because I believe there are many other more needy Americans who are denied funding under important Federal programs. From hundreds of open-house town meetings, I have developed my own policy of only casting votes which I can justify to my constituents in these face-to-face meetings. A "yes" vote could not pass that test.

Mr. SIMPSON. Mr. President, when we debate title X, or space station funding, or amendments relative to the Center for Disease Control guidelines on AIDS, or any other pressing national topic—there are always pockets—sometimes even deep pockets—of interest throughout America in the course of our deliberations. However, there is one issue which, I think since the beginning of this institution sparks more national interest than any other. And it should. I am not talking about funding levels for our national security. I am not talking about the confirmation of a Supreme Court Justice. I am not talking about a national energy strategy. I am talking about that nightmarish, supermarket tabloid of an issue—the rate of pay for Congressmen.

Well, if as the ad for the tabloid goes, "Inquiring Minds Want To Know"—I am quite ready to lay it all out to explain exactly why I intend to vote the way I will.

Since I have been here, I have never accepted more in compensation than a cost-of-living adjustment to my salary—just like any other Federal employee, or VA pensioner, or Social Security recipient would be entitled to receive. In the case of my Senate salary—some years the cost-of-living adjustments were less than the Federal average—some years we did not, by law, give ourselves a COLA—and some years I just flat did not accept what we were entitled to receive. Now when you do not want to accept your full pay or COLA around here—it is a complicated procedure. You have to put the difference of what you will accept, versus what you are entitled to receive, in a special account. The Government does not honor the request: "Just don't send me my money". At the end of the year, I take the money which has accumulated in that account, and return it to the Federal Treasury, less any Federal taxes which I have had to pay on those funds. For instance, on January 15, 1991, for the 1990 calendar year, I wrote a check back to the Federal Treasury for $16,587.52. It was money I could have accepted, but did not, and it was applied to the reduction of the Federal deficit.

In 1979, the first full year I was in the Senate, salaries were $60,662. For 4 years, the Congress deferred the receipt of any COLA. In 1983, the COLA's for the previous years were allowed, resulting in a salary of $69,800. A COLA was then granted in 1984 resulting in a salary of $72,600. A COLA was authorized in 1985 resulting in a salary of $75,100. I turned that COLA over to the Treasury, $2,500. There was no COLA in 1986. I turned over the previous year's COLA to the Treasury, $2,500. In 1987, a COLA was granted resulting in a salary of $77,400. Later in 1987, a pay raise was enacted bringing salaries to $89,500. I voted against the pay raise and turned over the difference between the raise and what I would accept—$77,400—to the U.S. Treasury. I wrote that check back to the Treasury in the amount of $12,100. I turned over the same amount in 1988 and 1989. Beginning in 1990, Senate salaries were increased to $98,400. However, the amount of the increase—about $9,000—was also reduced by the amount of funds that could be received as income from privately earned honoraria speeches. I did not accept that increase and returned the check previously described. For 1991, Senators were granted a COLA of $3,500 which meant salaries were up to $101,900. Before this year, I was therefore accepting a salary that was established in 1987, which was not based on raises, but only on COLA's that had been approved since I came to the Senate. As I have said, most of them I did not accept when they were granted. Since I had not accepted a COLA for nearly 5 years, I decided to receive the 1991 COLA—$3,500—which was added to my base salary of $77,400. In other words, I am now accepting $80,900. I would be entitled to receive $101,900.

Back in 1989, the House Members got rid of honoraria. That is just exactly what we are proposing to do today. I am in favor of doing that. Instead of supplementing their salaries with honoraria funds, the House Members decided to vote themselves a raise and to ban all honoraria receipts. In the meantime, and in order to try to keep high quality staff members employed in the House instead of leaving for

work in the private sector for double or triple their congressional salaries, they increased the maximum salary which a House staffer could receive to about $115,000 per year. Recently in Roll Call, a Capitol Hill newspaper, nearly 100 House staff members were listed as making more than $100,000 per year. Many of these staffers make the maximum salary of $115,000. This bill would now allow Senate staffers to have equality with their House counterparts.

What I have chosen to do regarding my own salary throughout my career here may be considered unique. My determination to reject the salary increases which I have described might even be called strange. However, those choices are quite personal—call them what you will. If this pay increase is enacted, I will once again make the personal choice as to what I will do. If honoraria funds are completely abolished, then obviously I must supplement that loss of income with salary. However, there is a larger issue here. That issue is one of simple equity. As a body, should Senators who have as their constituents every single resident of their respective States be compensated at a rate of pay of about 20 percent less than House Members who generally represent—except in States like Wyoming—much smaller constituencies? In order to be compensated at similar rates, should Senators have to make speeches for pay to private groups to pick up the slack? Is it equitable for senior staff members in the House of Representatives to make $15,000 more per year than an elected U.S. Senator, Is it appropriate for a Senator's employee to make $15,000 more per year than the Senator? I think the answer to these questions is "no." I think that most Americans, based on the experiences of their own jobs, believe that folks who do the same job ought to get the same pay. I think they also believe that staff members of Congress should not be paid more than Members of Congress.

Therefore, as a matter of equity, it is not difficult for me to support a proposal which completely bans honoraria and allows Members of the Senate to be compensated at the same rate as House Members. However, as representatives who all stand for election; and who participate in town meetings; and who get and read mail from constituents, we will all have to respond in our own way to the singular issue of whether the specific amount of pay for all Members of Congress is reasonable. Those responses will be varied, sincere, and personal.

For my part, I will vote today to allow my colleagues in this body to be compensated at the same rate as are House Members, and at a rate which will be higher than the maximum allowable compensation for congressional staff. I will vote to rid ourselves of honoraria. My personal decision, which is just that and is not intended in any way to be perceived as evidence of martyrdom, will be to continue my unique, strange, and, yes, possibly even eccentric policy, of presently lagging behind my colleagues in terms of the salary which I will accept in this year, 1991. In summary, some will vote "no" and keep the dough—I am being up front and voting "yes," and will, for this year, continue to get less. Next year is another matter. The loss of honorarium income will force me to reassess my past actions.

The PRESIDING OFFICER. If there is further debate, the question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD (after having voted in the negative). Mr. President, if the distinguished Senator from Arkansas, my good friend, Senator PRYOR, were present, he would vote "aye." Therefore, I withdraw my vote.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illnes.

On this vote, the Senator from Kentucky [Mr. FORD] is paired with the Senator from Arkansas [Mr. PRYOR].

If present and voting, the Senator from Kentucky would vote "nay" and the Senator from Arkansas would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—53

Akaka	Exon	Murkowski
Baucus	Garn	Nunn
Bentsen	Gorton	Pell
Biden	Harkin	Robb
Bingaman	Hatfield	Rockefeller
Boren	Inouye	Roth
Breaux	Jeffords	Rudman
Burdick	Johnston	Sarbanes
Burns	Kassebaum	Simon
Byrd	Kennedy	Simpson
Chafee	Kerrey	Smith
Cochran	Leahy	Stevens
Craig	Lieberman	Symms
Cranston	Lott	Thurmond
Danforth	Lugar	Wallop
Dole	Metzenbaum	Warner
Domenici	Mitchell	Wirth
Durenberger	Moynihan	

NAYS—45

Adams	Glenn	McCain
Bond	Gore	McConnell
Bradley	Graham	Mikulski
Brown	Gramm	Nickles
Bryan	Grassley	Packwood
Bumpers	Hatch	Pressler
Coats	Heflin	Reid
Cohen	Helms	Riegle
Conrad	Hollings	Sanford
D'Amato	Kasten	Sasser
Daschle	Kerry	Seymour
DeConcini	Kohl	Shelby
Dixon	Lautenberg	Specter
Dodd	Levin	Wellstone
Fowler	Mack	Wofford

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Ford, against.

NOT VOTING—1

Pryor

So the amendment (No. 770) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, Members of the Senate, I am advised by the managers that there are no further contested amendments to the bill, that there are several amendments which will be accepted. It is my hope and intention that we could then complete action on the bill by voice vote, which would permit the Senators to leave now since there will be no further action this evening.

Unless some Senator now stands and expresses an insistence that there be a record vote on final passage, there being none, then this will have been the last rollcall vote this evening.

There will be a cloture vote on the motion to proceed to the motor voter legislation at 10 a.m. tomorrow.

I thank my colleagues. I thank the distinguished managers of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENTS NO. 771 THROUGH 774

Mr. REID. Mr. President, I have four amendments at the desk that have been cleared on both sides. The first amendment makes minor corrections in the language relating to staff pay caps; the second makes certain technical changes to existing law to authorize direct payments to vendors under the contingent fund of the Senate. This change is necessary for the implementation of the Senate's new financial management system.

The third transfers funding for the elevator operators in the Capitol from the Architect of the Capitol payroll to the Sergeant at Arms payroll; and, the fourth provides for transfer of the jurisdiction and control of the Senate Chamber public address system from the Architect of the Capitol to the Sergeant at Arms.

Mr. GORTON. Mr. President, the amendments have been completely explained by the Senator from Nevada. This side of the aisle agrees with them completely.

Could I inquire of the Chair if the amendments have been reported?

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendments numbered 771 through 774 en bloc.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, to the first committee amendment.

The amendments (numbered 771, 772, 773 and 774) considered and agreed to en bloc are as follows:

AMENDMENT NO. 771

Technical changes to H.R. 2506, as reported:

On page 6, line 23, strike "or" and insert "on".

On page 6, line 25, strike "section" and insert "sections".

On page 7, line 1, after "703(a)(2)(B)" insert the following: "and 1101(a)(1)(A)".

On page 7, beginning with "the first" on line 10, strike all through "on or after" on line 11.

AMENDMENT NO. 772

On page 8, after line 25, add the following:

SEC. 6. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended as follows:

(1) in the material preceding clause (1), delete "payment" and insert in lieu thereof "payment (including reimbursement)";

(2) in clauses (3), (4), (5), (7), and (9), delete "reimbursement to each Senator for";

(3) in the material following clause (9), delete "Reimbursement to a Senator and his employees" and insert in lieu thereof "Payment";

(4) in the material following clause (9), delete "reimbursed" and insert in lieu thereof "paid or reimbursed"; and

(5) in the last sentence, delete "reimbursement" and insert in lieu thereof "payment".

(b) Section 3(f) under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(e)) is amended as follows:

(1) in the first sentence of paragraph (1), delete "shall be reimbursed from the contingent fund of the Senate for the rental payments" and insert in lieu thereof "the contingent fund of the Senate is available for the rental payments (including by way of reimbursement)";

(2) in paragraph (2), delete "reimbursed" and insert in lieu thereof "paid";

(3) in paragraph (3), delete "reimbursement" and insert in lieu thereof "payment"; and

(4) in paragraph (4), delete "reimbursement" and insert in lieu thereof "payment";

(5) in paragraph (5), delete "Reimbursement" and insert in lieu thereof "Payment".

(c) The amendments made by subsections (a) and (b) shall take effect October 1, 1991.

AMENDMENT NO. 773

At the end of the first Committee amendment insert the following:

SEC. . (a) Subject to subsection (b), those employees of the Architect of the Capitol engaged in operating elevators in that part of the United States Capitol Building under the control and jurisdiction of the United States Senate, together with the elevator operating functions performed by such employees, effective October 1, 1991, shall be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate.

(b) The Sergeant at Arms and Doorkeeper of the Senate is authorized to enter into an agreement or other arrangement with the Architect of the Capitol regarding the supervision of such employees.

AMENDMENT NO. 774

(Purpose: To provide for the transfer of the jurisdiction and control of the Senate chamber public address system to the Sergeant at Arms and Doorkeeper of the Senate, and for other purposes)

On page 8, add after line 25 the following new section:

SEC. 6. (a) Effective October 1, 1991, the jurisdiction and control of the Senate chamber public address system is transferred from the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate. In the case of any employee of the Architect of the Capitol transferred during fiscal year 1992 to the Sergeant at Arms and Doorkeeper of the Senate as an audio operator—

(1) in the case of days of annual leave to the credit of any such employee as of the date such employee is transferred, the Architect of the Capitol is authorized to make payment to each such employee for that annual leave, and no such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation; and

(2) for purposes of section 8339(m) of title 5, United State Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e), (n), and (q) of such section.

(b) The Architect of the Capitol shall provide the maintenance of the Senate chamber public address system until such system is replaced by a combined public address and audio broadcast system.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 775

(Purpose: To Reduce Appropriations for Senate official mail costs by $2 million)

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report. Does the Senator intend to amend the first committee amendment?

Mr. BROWN. Yes.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative desk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 775.

Mr. BROWN. I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 15, strike out "$34,000,000," and insert in lieu thereof "$32,600,000,'".

Mr. BROWN. Mr. President, the amendment before the body deals with the appropriations for postage. This area is one that the committee has recommended increasing from $30 million to $34 million. In reviewing this area, I believe that this is an area we can save money on. The estimated outlays for fiscal 1991 will be $16.8 million. In other words, we are going to be spending $13.2 million less this year than what is appropriated. To raise that by $4 million seems to me to be irresponsible.

There are those who were concerned, of course, about the increase in mail that seems to occur during election years. But for those who have that concern, let me point out that in 1990, we only spent $15 million. Thus, instead of spending more during that year, we spent less.

I believe this is an area where we can save money. There is no question that this body needs to set an example controlling spending if we are to ask the American people to do their part as well. The amendment before the body is a modest one. It cuts the increase in this category in half. It saves $2 million.

Mr. President, I reserve the remainder of my time.

Mr. REID. Mr. President, I would be happy to, in just one second, yield to the Senator from Kentucky, the chairman of the Rules Committee. But I did want to say to this body that this bill would not be complete unless we had a discussion of franking.

I guess in one respect we should extend thoughtful consideration to the Senator from Colorado because what would this bill be without a discussion on franking?

I yield to the Senator from Kentucky.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, the amendment by the junior Senator from Colorado reduces the 1992 appropriations for the official mail as I understand, from $34 million to $32 million. He had a change of heart. I guess and did not want to rob his fellow colleagues of $4 million. He only wants to rob us of $2 million, making funds for 1992 $2 million more than the same amount as appropriated in 1991.

Mr. President, the Members of the Senate have been frugal in their outlays for postage, extremely so. The reduced level of funding will be adequate for most Members. It will not affect me personally, because I do not send out newsletters and have not for years. So it really does not bother me.

But I do feel compelled to remind Members of the effects of this amendment. The $34 million would permit each Member to mail at least one statewide mailing in the next fiscal year. If the amendment is adopted, most Members will not have sufficient funds for one statewide mailing.

Mr. President, while I do not oppose the amendment, I feel Members should

be aware of the consequences of the amendment on their individual offices. What you do in your office ought to be your business. But you ought not to be interfering in other Senator's offices. You ought to be letting us do our bidding, and then you can do your bidding. Do not send out any mailings. Turn back the money like I do, and then your conscience will be clear, and you can tell your constituents "I did not spend the money; I gave it back." But at least give your colleagues an opportunity to make one simple statewide mailing. I think it is in their best interest.

So this amendment gets into the individual office's activities, and I hope that, as I understand it, there will not be a rollcall vote on this. We have accepted all the amendments without a rollcall vote. So, therefore, Mr. President, I guess there will be a voice vote on this.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We will accept the amendment. I state for the record, and I want the record certainly to be clear, that this subcommittee, over the last several years, has done really a fine job in clearing up controversies as relates to franking. The problem, as the Chair will recall, did not relate to what was going on in this body. It related to the other body. We were able to work out the program so that now there is disclosure both in this body and in the other body, and there is no problem with franking.

The $2 million cut that is sought by the Senator from Colorado is something that we take care of, something that will make things a little tighter; but the Senators have learned to live very frugally with the mail allotments we each have been given.

So we accept the amendment that has been offered by the Senator from Colorado. It has been cleared on this side. Mr. President, I yield the floor.

Mr. GORTON. Mr. President, this amendment is accepted on this side as well. I want to go beyond that to say that as the Senator from Nevada pointed out, not at all facetiously to the introduction of the Senator from Kentucky, this has often been a matter of controversy. In this case, the Senator from Colorado, who feels very strongly about it, has been most cooperative with us. He has already made a compromise, and it will save some $2 million, I think, without harming any of the activities of the Senate or its individual Members. So we are happy to accept his amendment.

Mr. FORD. Will the Senator from Washington yield for a question?

Mr. GORTON. Sure.

Mr. FORD. The money that is being allocated here is not just for newsletters. When you reduce that, it is also money that you use to respond to your constituents with direct mail. Not only is it reducing the ability to respond to your constituents on a direct mail basis; it also affects the statewide mailing.

Mr. GORTON. The Senator from Kentucky is certainly correct. This is on overall mailing cut.

Mr. BROWN. Mr. President, let me point out, if this amendment is adopted, it will leave the Senate with $32 million in this category. That is nearly double what we will spend this year. So I think if someone suffers from a concern that we will have made drastic cuts in people's ability to mail, we have enough money to nearly double the postage spending that took place this year, next year in this appropriation.

My own feeling is that it is not a tight or severe amendment. I must say that I deeply appreciate the willingness of the managers to work with us on this issue. And $2 million is not a lot of money, but I believe it is a way we will get to the soundness of a budget effort.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 775) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 776

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. DOLE, Mr. NICKLES, and Mr. COCHRAN, proposes an amendment numbered 776.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 1, strike "$69,279,000" and insert $69,895,000";

On page 3, line 10, strike "$1,796,000" and insert $2,012,000";

On page 3, line 17, strike "$713,000" and insert $913,000";

On page 3, line 18, strike "$1,426,000" and insert $1,826,000";

On page 5, line 4, strike "$1,142,000" and insert $1,199,100"; and

On page 5, line 5, strike "$2,284,000" and insert $2,398,200".

Mr. GORTON. Mr. President, this amendment is offered on behalf of myself, Senators DOLE, NICKLES, and COCHRAN. It deals with funding for the offices of both the majority and minority leaders, the two-party conferences, and the two-party policy committees, which I must confess, were overlooked for modest essentially cost of living, and increases in the bill at the total cost of the amendment is $673,100,000. It will not put us over our 602(b) allocation.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 766) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the remaining committee amendments be considered and agreed to en bloc, provided that no points of order be waived thereon, and that the measures, as amended, be considered as original text for the purpose of further amendment.

The remaining committee amendments were agreed to en bloc.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, if I could have the attention of the manager on the majority side and the manager on our side. I think both managers are aware of the interest that the Senator from New Mexico has in making sure that the General Accounting Office, which has in the past had an excellent reputation and has done a marvelous job for the most part, but of late has been losing their reputation for fairness, and might I say professionalism; some say there is a bit of partisanship in some of their reports and activities. Actually, the Senator from New Mexico is not really as concerned about that as I am the loss of integrity, organizational integrity, and a concern about efficiency and a duplication of effort.

I have an amendment, but do I not want to offer it, unless the managers are willing to accept it. I know that they have in this appropriations bill seriously looked at the General Accounting Office. I heard the distinguished manager speak to that issue. This bill reflects a concern for the General Accounting Office, and as the majority manager said, he has a concern for the apparent partisanship or growing partisanship of the GAO.

I am not addressing those kind of issues like where they have loaned their people, where they have so-called detailees. I know that is a big issue among some, and clearly most of those are detailed to the majority Members in the U.S. House of Representatives.

My amendment merely seeks to do one thing. The Comptroller General of the GAO has indicated to this Senator,

and I believe he has said publicly, that he thinks the time has come to provide some professionals peer review for their reports. These are reviews of the general matters that they issue to the public. There is no peer review. No one from the outside, in any random way, looks at those reports to see that they are professional, to see that they are filled with the kind of integrity, that they have the kind of notice and nomenclature as to what is there, that other reports that are used in the United States have.

So this amendment would say in addition to the report language, which I understand accompanies this bill, this would say that we are going to have a peer review mechanism for the General Accounting Office, and I repeat, sooner or later this will come. If it does not get adopted tonight—and I am not going to ask for a vote. If the managers will accept it, we will do it. But sooner or later either this body, or the House, or Comptroller General Bowsher himself will see to it that there is peer review. It is now known that he wants peer review. Some people in the U.S. House do not want him to have peer review. That means probably he will try, and they will stop him. But sooner or later we will have it because it will be good for them.

We want a GAO report to be accepted by the media of America and the people who read it with the authenticity it is entitled to, with the credibility it deserves, and I want to state for the Senate, very quickly, what happened to this Senator regarding the GAO's reputation.

I was in an Energy Committee hearing. I was speaking to the chairman of our committee about the bill that was before us, and I happened to say that we had learned a lot in this committee from OTA, the Office of Technology Assessment. They have been professional. They have shown real expertise. And something in my mind said why do you not mention the GAO? So I said, "Not like the GAO," and the entire audience made up of bureaucrats, business people, witnesses who were waiting, some 100, actually laughed at the remark. I believe that is getting serious when they will say OTA is real science and real professional reporting and laugh when you mention the GAO. I do not want that to happen. One way we can prevent it is to make sure their reports are reviewed in a professional manner. That is the amendment.

I might ask the managers what is their pleasure.

Mr. REID. Mr. President, the two managers have spoken and we are not going to accept the amendment.

I would say to the Senator from New Mexico that I have spoken to him privately about his concerns with the General Accounting Office. He is sincere. He is factual. He has reasons for being concerned, and I had the Senator share those concerns with me.

As a result of the Senator's concern and other Senator's concerns, we have some pretty good language in this our report. For the first time, to my knowledge, the General Accounting Office is required to take a look at themselves. I think that is a significant step forward.

As I mentioned in my opening statement, we did that for a specific reason. I agreed to it because I want the General Accounting Office to be nonpartisan. I do not think the General Accounting Office serves the U.S. citizens to any purpose if it is regarded as an agency that is controlled by the party that controls the Congress. That would be wrong.

I will state to my friend, my respected friend, from the State of New Mexico, that we have had experiences with the General Accounting Office. And I think there are a lot of stories that people have told me of their bad experiences with the General Accounting Office. But I think the Senator from New Mexico and the Senator from Nevada had a good experience that I wish to recount.

The Senator knows that there is a very expensive military base built in the desert of Nevada. It was the secret training headquarters for the Stealth fighter. It was where the pilots were trained and the airplanes were hidden for many years during development. When that project no longer was secret, a determination was made by the U.S. military, the Air Force, that they no longer could afford to keep that secret base. They were going to move those airplanes to New Mexico.

I raised an objection. I said I do not think that sounds fair. We have a military base that is much closer. Why can they not move it to Nellis Air Force Base? That would save enough money.

The controversy evolved and I said if it is a move that will save this country money and make the Stealth just as available to the defenses of this Nation, then it should move because I do not think defense programs are job programs.

We turned this over to the General Accounting Office, as the Senator will remember, and we, in effect, said let the General Accounting Office investigation decide. We will abide by that. If GAO determines that the Stealth wing can stay either at Tonopah or it can stay in Nellis, the two Senators from New Mexico said, we will go along with that. The two Senators from Nevada said, if it is determined that it is cheaper and will provide security just as reliable for this country, then we will let it go to New Mexico.

They came back and said it should go to New Mexico. I did not like the result, but I abided by the result.

So the General Accounting Office does great work, as I have said. But I think we have to address these issues—because concerns are not limited to the Senate and there are Members of the other body who are saying that GAO is, in effect, a lap dog for the party in power. We do not want that. It defeats the purpose of the General Accounting Office.

So we have report language. And Senator GORTON and I have agreed that we are going to follow this thing through. We want to make sure that they come back with what we have asked them to do in this report.

I would say that that is the way that we should handle this. I think we have had hearings, probably not in enough depth, but I can guarantee the Senator from New Mexico that the Senator from Nevada and the Senator from Washington next year will have in-depth hearings regarding the General Accounting Office and its objectivity.

I will also state I think the oversight committee for the General Accounting Office is governmental affairs and they probably would like to look at this, Chairman GLENN and the ranking member, Senator ROTH.

We, I repeat, already have report language that does the job. So I will say to my friend from New Mexico who has rendered so many years of great service to not only the State of New Mexico but also to this country. Give GAO a chance to respond to the criticisms, and then if the response is not satisfactory, he will find the Senator from Washington and the Senator from Nevada joining with the Senator in whatever approach you may feel appropriate.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from New Mexico knows how greatly I respect him and knows that he and I are as close perhaps as any two Members of the Senate and I believe that he discussed this whole concern with me at a very early stage before he had drafted his bill. And it was because of the concern of the Senator from New Mexico that I asked the Senator from Nevada to fire the shot across the bow of the General Accounting Office by including it in this bill. That shot across the bow takes some $6½ million from what the House appropriated and some $55 million from what the agency itself asked for. It includes also language which will cause us to look into the shortcomings of the General Accounting Office.

Given the nature of this bill and the situation at this point, the interests of the authorizing committee in this legislation, I do, however, have to join with the distinguished Senator from Nevada in saying that we would feel it unwise to add this amendment to this bill at this point. But the pledge that was given to the Senator from New Mexico by my chairman goes for this Senator as well.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendment that I would have offered be printed in the RECORD for those who would like to see what we would do with reference to peer review had we had this amendment accepted.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the appropriate place insert the following:

SEC. . (1) A representative sample of General Accounting Office reports, studies, and reviews shall be statistically selected by the Program Evaluation and Methodology Divison (PEMD) of the General Accounting Office.

(2) The sample of reports, studies, and reviews shall be drawn from the universe of reports, studies, and reviews conducted by the General Accounting Office over the 18 month time period preceding the enactment of this provision.

(3) There shall be established an Independent General Accounting Office Peer Review Committee. This committee shall consist of not more than 12 individuals with expertise in government program analysis, public policy analysis, financial and auditing review. The Comptroller General shall be a member of the Independent General Accounting Office Peer Review Committee. The Comptroller General shall select the remaining members of the Committee, and those selected shall be submitted for approval to the chairman and ranking members of the Senate Governmental Affairs Committee, the House Committee on Government Operations, and the Senate and House Subcommittee on Legislative Branch Appropriations.

(4) The sample of reports, studies, and reviews shall be submitted to independent analysis by nongovernmental organizations with recognized expertise in the relevant field of selected reports, studies, and reviews to assess the accuracy, fairness, and professionalism of the reports, studies, and reviews. The nongovernmental organizations conducting the independent analysis shall be selected by the Independent General Accounting Office Peer Review Committee.

(5) The independent analysis or analyses shall be completed in a timely fashion but not to exceed 12 months and submitted to the Comptroller General of the General Accounting Office, to the chairman and ranking member of the Senate and House Subcommittee on Legislative Branch Appropriations, and to the chairman and ranking member of the Senate Committee on Governmental Affairs, and the chairman and ranking member of the House Committee on Government Operations.

(6) The Comptroller General of the General Accounting Office is directed to take such measures as are necessary to correct identified problems of methodology and analysis as identified in the independent reviews.

(7) The Independent General Accounting Office Peer Review Committee shall consult with and generally keep advised the existing General Accounting Office's Quality Control Review Board.

(8) The Independent General Accounting Office Peer Review Committee shall make recommendations for ways in which the General Accounting Office can accomplish its mandates while not duplicating the work of executive agency Inspector General Offices.

(9) Funding for conducting this peer review system shall be made from funds appropriated in this Act to GAO.

Mr. DOMENICI. Mr. President, I have had a lengthy discussion with Comptroller General Bowsher about the GAO. Frankly, he told me some things I did not know about consulting firms and accounting firms in the United States of America who do similar work to the GAO, obviously more for a private sector, and certainly not as the watchdog for the Congress of the Government. He indicated to me there is an ongoing system in the United States, official in nature, whereby peer review is performed on these various entities.

Arthur D. Andersen has an internal charter, a charter that is internal to that prescription of the peer review so that everyone knows that their reports are done in a certain unbiased, professional, integrity-laden manner. I was not privy to the work that makes up that nationally accepted approach to peer review. So what I did in the amendment which I was going to offer was, with my staff, prepare a random peer review for the GAO, and that is what we would have prescribed.

I do this tonight because I do not like to take on the GAO and not have something come of it. Something is coming of it in the bill tonight because, as Senator GORTON indicated, I started this and spoke to him about some of my findings.

The first bill that came along was this one and a shot is being passed across the bow. GAO is being told, let us kind of get with it; let us clean up a little bit.

By no means are we saying they are incapable. They do many great things. Without them we would be incapable of doing many things that we are doing here. But we also know that they are at liberty to do almost anything they want. GAO has a half a billion dollar budget, subpoena power, and clearly report to no one other than to give their reports to Congress if they choose to take somebody on.

Now that is an invitation to disaster in a free society. And we must do better oversight, or we must put within their legislation, a mechanism that will see that the very worst does not happen. And I am not suggesting that it is.

I am suggesting there is less than professionalism from time to time; a lack of consideration for certain departments who furnish the information. And they even admit that.

I know the Senator knows that there have been such occasions. One recently was a report on the superconducting super collider. GAO did an indepth report and it did not even let the Secretary of Energy see a draft or anything else until it was public.

Now Mr. Bowsher does not like that. But that is happening. That is not decency in the marketplace in the United States. They have to fix things like that.

We know of occasions when prior to a report being issued publicly, someone is given the substance of the report so they can release it publicly. Now, in that case, those who oppose it who want to see what it is all about have nothing to refute it. We think that kind of thing ought to stop. That seems unfair. And essentially some reports are less than professional.

I thank the managers, both of them, for the work they have done. And I believe if you get the GAO to move in the right direction, you will have furnished a great service to the Congress because they will do a much better job on behalf of our people.

I yield the floor.

The PRESIDING OFFICER. Are there additional amendments?

AMENDMENT NO. 777

(Purpose: To provide $200,000 for the National Commission on Children)

Mr. ROCKEFELLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia, [Mr. ROCKEFELLER], proposes an amendment numbered 777.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SEC. . NATIONAL COMMISSION ON CHILDREN.

For necessary expenses of the National Commission on Children as established by section 9136 of the Omnibus Reconciliation Act of 1987, Public Law 100-203, $200,000 to remain available through December 31, 1992.

Mr. ROCKEFELLER. Mr. President, this is an amendment which would allow the National Commission on Children to complete its work on behalf of the children and families in this country. I believe that the amendment is acceptable to both the managers of the bill and would hope that it would be adopted.

The PRESIDING OFFICER. Is there additional debate on the amendment?

Mr. REID. Mr. President, the managers do accept the amendment.

I would say to the Senator from West Virginia—I have not had the opportunity and I would be happy to say it publicly—that I thank him for the great work that he as chairman of that commission did, not only for us who need that information as legislators but for the American public. It was a great piece of work. The Senator and the members of the Commission should be applauded and commended. We are most happy to accept this so that the report can be printed and distributed appropriately.

Mr. GORTON. Mr. President, this side of the aisle also accepts the amendment and joins in the congratu-

lations offered to the distinguished Senator from West Virginia on his performance with the Commission.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 777) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROCKEFELLER. Mr. President, I was not expecting the managers of the bill to make those particular complimentary remarks and I thank both the Senator from Nevada and the Senator from Washington very sincerely.

The PRESIDING OFFICER. Are there additional amendments to the bill?

AMENDMENT NO. 778

(Purpose: To rescind an amount equal to the official mass mail costs available to Senator Wofford)

Mr. WOFFORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. WOFFORD] proposes an amendment numbered 778.

Mr. WOFFORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SEC. . Of the funds appropriated or otherwise made available under the heading "OFFICIAL MAIL COSTS" under the heading "SENATE" in the Legislative Branch Appropriations Act, 1991 and which would remain available until expended, $150,000 of the remaining balances are rescinded: *Provided*, That the amount rescinded by this section shall be deducted from the amount allocated by the Committee on Rules and Administration to the junior Senator from Pennsylvania for mass mail.

Mr. WOFFORD. Mr. President, this amendment I understand has been cleared by both sides and I appreciate that. I would like to say a few words about it.

Mr. President, just about 2 months ago, a well-intentioned elected official told me that as soon as I got to the Senate I should take advantage of the franking privilege by sending out a lot of mass mailings—right away, and free of charge.

And I thought to myself: "He really does think they're free. Because he doesn't think that tax dollars are real dollars." Well, I came to the Senate to represent people who pay taxes, do the work, foot the bill, struggle to save, and often come up a little short at the end of the month.

So I made a promise to the people of my State. I said that as a U.S. Senator, I would not send out self-promotional mass mailings at public expense. If someone writes me a letter, or calls my office, I will do everything I can to make sure they will get a response. But I will not ask the public to pay for a flood of newsletters that citizens too often consider as nothing more than taxpayer financed junk mail.

But I discovered, Mr. President, that under present law there is no way for me to pass those savings along to our taxpayers. It is like I have written a big check for the taxpayers—$150,000 to be exact—but Uncle Sam will not cash it. That makes no sense—and no dollars and cents going back to the taxpayers.

Of the amount in my office account available for official mail costs, I believe I can return $150,000 to the U.S. Treasury. So I offer this amendment to rescind that amount from my office appropriation. And I would urge that in the future we provide an easier way for Senators to save funds than to offer a separate appropriations amendment.

Our taxpayers are questioning as never before whether Government is spending their hard-earned dollars wisely. We simply must restore their confidence in us and our ability to manage Government wisely and efficiently.

We have so many needs today in our Nation, growing human challenges confronting not only the poor, but also the vast majority of our working families. What they know is that their incomes are stagnant, their taxes are going up, public services are being cut.

We need to save tax dollars everywhere we can. Mass mail is one place I believe I can save. I need this amendment to help me do it.

I appreciate the managers of the bill accepting this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Pennsylvania?

Mr. REID. Mr. President, this side accepts the amendment.

Mr. GORTON. This side accepts the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 778) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I know of no further amendments to be offered.

The PRESIDING OFFICER. Are there additional amendments to the bill?

If not, the question is on the engrossment of the amendments and third reading of the bill.

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

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2506) as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the Senate insist on its amendments and request a conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. REID, Ms. MIKULSKI, Mr. ADAMS, Mr. INOUYE, Mr. GORTON, Mr. HATFIELD, and Mr. STEVENS, conferees on the part of the Senate.

Mr. REID. Mr. President, I would like to take this opportunity to express my appreciation to my chief of staff on the subcommittee, Jerry Bonham, who has worked many months in getting us to the point that we now are, where this bill is passed. We worked here just a few hours tonight, but the work going into this $2 billion-plus bill takes months. We are now in the middle part of July, and it has taken all that time to get it here. We have had numerous hearings.

I would also like to extend my appreciation, not only to Jerry Bonham for his hard work, but also to the chief of staff for the full Appropriations Committee. Jim English is always available for not only Jerry Bonham, but also for me when questions arise that are difficult and on procedural matters that we need some help with.

Mr. President, being in the Senate now during my fifth year, I have come to know and respect Keith Kennedy, who is always around whenever there is an appropriations bill up and is always most gracious and helpful. Sometimes the answers that you get you would rather not get, but the way the message is delivered is appreciated.

I also, of course, want to express my appreciation to Lula Joyce, who is the person who works with Jerry Bonham on a daily basis who does, in fact, a lot of the dirty work. She does typing and all those kinds of things that, if it were not done, this bill also would not be here. So Lula does a great job in so many different areas.

I have already expressed my appreciation to Senator GORTON. This is the first year we have worked together on this bill, but I am just so impressed with the experience that he brings to this committee, the experience he brings to this subcommittee, and the

great help he has been in allowing us to get the bill to this point.

I want to express my appreciation to Senator GORTON for the help he has rendered to me.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, it was obvious that there was at least one controversial amendment dealt with during the course of this evening which was outside of the gamut of the work which the distinguished chairman of the subcommittee and I engaged in, preparing this bill. If we lay that to one side, we may very well have set a record for the noncontroversial nature of this bill, and for the amicability with which it was dealt here on the floor of the Senate.

I believe that is a tribute to the chairman of the subcommittee and to his willingness to listen to the concerns of the minority as they were expressed here, in part at least, by the Senator from New Mexico. So that we were able to present the bill, no portion of which was significantly controversial, and were able to pass it through the Senate in what may very well be record time for an appropriation bill.

So I appreciate the kind remarks that have been made by the Senator from Nevada. But I want to say all the credit he has given to this Senator, he deserves twice or three times over.

Sean O'Hollaren and his assistant, Ginny James, on our side of the aisle, made this an easy and smooth transition into a new position for this Senator. Keith Kennedy, the minority staff director with the full Appropriations Committee, has been a great help to this Senator, as he has to others. And my own personal staff members, Curtis Hom, who handles these matters within my office, and Sam Sping have, in conjunction with these others, succeeded in keeping me on the straight and narrow path and in helping to move this bill through so promptly.

VITIATION OF PASSAGE—H.R. 2506

Mr. REID. Mr. President, I ask unanimous consent that third reading and passage of the bill be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

AMENDMENT NO. 779

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 779.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, after line 20 (at the end of Section 311), insert the following:

(g) With respect to the House of Representatives, the House of Representatives Child Care Center and other matters relating to child care shall be governed in the manner determined by the House of Representatives, including as provided in House Resolution 21, Ninety-ninth Congress, as enacted into permanent law, and shall be subject to such regulations as the Committee on House Administration of the House of Representatives may prescribe.

Mr. REID. Mr. President, this amendment modifies Section 311 of the bill to insert language relating to the House day-care center.

Let me hasten to add that this amendment is requested by our counterparts in the House of Representatives. In observance of the principle of comity between the Houses, we make no judgment as to its merit, but do ask it be adopted.

The PRESIDING OFFICER. Is there further debate?

Mr. GORTON. I agree with the remarks of the Senator from Nevada.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 779) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I know of no further amendments to be offered, and I ask for third reading and final passage.

The PRESIDING OFFICER. Are there additional amendments to the bill?

If not, the question is on the engrossment of the amendments and third reading of the bill.

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

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2506) as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the Senate insist on its amendments and request a conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. REID, Ms. MIKULSKI, Mr. ADAMS, Mr. INOUYE, Mr. GORTON, Mr. HATFIELD, and Mr. STEVENS, conferees on the part of the Senate.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, on behalf of the majority leader, I move the Senate proceed to the consideration of Calendar No. 89, S. 250, the motor-voter bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes:

Wendell Ford, Jeff Bingaman, Daniel K. Akaka, Max Baucus, Timothy E. Wirth, J.R. Biden, Jr., George Mitchell, Richard Bryan, Bob Kerrey, J. Lieberman, Pat Leahy, Brock Adams, Daniel K. Inouye, Bill Bradley, John F. Kerry, Frank R. Lautenberg.

WITHDRAWAL OF MOTION TO PROCEED

Mr. REID. I now withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 241. All officers for appointment in the Reserve of the Air Force.

Calendar 242. Gen. John W. Foss, to be placed on the retired list, U.S. Army;

Calendar 243. Lt. Gen. Thurman D. Rogers, to be placed on the retired list, U.S. Army;

Calendar 244. Gen. H. Norman Schwarzkopf to be placed on the retired list, U.S. Army;

Calendar 245. Lt. Gen. James R. Hall, Jr., to be placed on the retired list, U.S. Army;

Calendar 246. Lt. Gen. Joseph P. Hoar, to be general, USMC;

Calendar 247. Lt. Gen. Ernest T. Cook, Jr., to be placed on the retired list, USMC;

Calendar 248. Maj. Gen. Royal N. Moore, Jr., to be lieutenant general, USMC;

Calendar 249. Maj. Gen. Henry C. Stackpole III, to be lieutenant general USMC; and

All nominations placed on the Secretary's Desk in the Air Force, Army, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the notions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, and 8373, title 10, United States Code:

To be major general

Brig. Gen. Earl A. Aler, Jr., 289-28-7173, Air Force Reserve.

Brig. Gen. John H. Burris, 457-64-7375, Air Force Reserve.

Brig. Gen. Rodney L. Linkous, 535-28-9260, Air Force Reserve.

Brig. Gen. Robert A. McIntosh, 271-40-7741, Air Force Reserve.

Brig. Gen. Clark O. Olander, 349-28-3935, Air Force Reserve.

Brig. Gen. John P. Van Blois, 364-36-8636, Air Force Reserve.

To be brigadier general

Col. Wayne W. Barkmeier, 507-50-6872, Air Force Reserve.

Col. Marcia F. Clark, 194-32-7591, Air Force Reserve.

Col. John J. Costanzi, 204-26-4964, Air Force Reserve.

Col. Louis A. Crigler, 405-48-9640, Air Force Reserve.

Col. Terrence L. Dake, 504-36-7978, Air Force Reserve.

Col. Andrew P. Grose, 578-54-0436, Air Force Reserve.

Col. James W. Lucas, 317-40-4411, Air Force Reserve.

Col. Charles R. Luther, 439-62-4092, Air Force Reserve.

Col. Michael W. McCarthy, 391-34-0688, Air Force Reserve.

Col. John M. Miller, 376-38-7265, Air Force Reserve.

Col. Samuel P. Mitchell, Jr., 505-46-8481, Air Force Reserve.

Col. Michael J. Peters, 525-94-0804, Air Force Reserve.

Col. Robert E. Pfister, 305-44-7665, Air Force Reserve.

Col. Terry G. Whitnell, 486-40-5031, Air Force Reserve.

ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. John W. Foss, 472-32-7251, United States Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Thurman D. Rodgers, 408-48-2175, United States Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. H. Norman Schwarzkopf, 144-26-7662, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James R. Hall, Jr., 422-42-5563, United States Army.

IN THE MARINE CORPS

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be general

Lt. Gen. Joseph P. Hoar, 028-26-3962, USMC.

The following-named officer to be placed on the retired list under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Ernest T. Cook, Jr., 249-54-2101, USMC.

The following-named officer, under the provisions of title 10, United State Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Royal N. Moore, Jr., 545-40-0929, USMC.

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

Maj. Gen. Henry C. Stackpole III, 047-26-8860, USMC.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, NAVY

Air Force nomination of Aurora T. Maldonaldo, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 15, 1991.

Air Force nominations beginning Norman Arends, and ending Terrance J. Rock, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 15, 1991.

Air Force nominations beginning Major John W. Anderson, 540-52-2492, and ending Major Paul E. Lavoie, 023-24-9189, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 15, 1991.

Air Force nomination of Rosa L. Sandwellweiss, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 15, 1991.

Air Force nominations beginning Richard M. Anders, and ending Shirley C. Clark, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 3, 1991.

Air Force nominations beginning Frank E. Carpenter, and ending John D. Vail, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 8, 1991.

Air Force nominations beginning Major Reese R. Armstrong, 275-44-8221, and ending Major Edmund D. Effort, 344-42-9023, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 8, 1991.

Army nominations beginning Dennis J. Fringeli, and ending * Irwin B. Simon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 24, 1991.

Army nominations beginning Maynard K. Bean, and ending Delores J. Podhorn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 8, 1991.

Navy nominations beginning James M. Castleberry, and ending Vicki S. Pearson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 8, 1991.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

DESALINATION

Mr. REID. Mr. President, 1 year ago, almost to the day, I stood on this Senate floor and talked about a technology that I think will be important to the United States and to peace in the Middle East. That technology is desalination: the extracting of fresh water from salt water.

A year ago I visited the Middle East and spoke with a number of leaders in Israel and in Egypt. The first and most basic step toward peace is to find areas in which the parties can mutually and readily cooperate. One of these areas is desalination.

In a desert climate, water is life. And though water could potentially be the subject of conflict, it could also be a potential source for peace. Israel, Jordan, and Syria all have access to the same overused water resources. In order to survive, they will have to cooperate.

Right now, even though they are in a technical state of war, Israel works in quiet cooperation with Jordan on management of resources at the Dead Sea. This is a seed that we all hope will grow into a more peaceful coexistence.

In Egypt, Dr. Alef Ebeid, the Minister for Cabinet Affairs and Environ-

mental Secretary, told me that desertification is "the most significant problem facing future Governments of Egypt."

Senator SIMON has introduced a bill, S. 481, which not only resurrects the Federal Desalination Research and Development Program here in the United States, but also directs the Agency for International Development [AID] to convene a conference of nations that either use or hope to use desalination technology.

We have an opportunity to be proactive. We have an opportunity to plant the seeds of peace by heading off future water disputes in the Middle East. Let us take that opportunity.

I ask unanimous consent that an article written by Senator PAUL SIMON be inserted in the RECORD following my remarks.

[From the Christian Science Monitor, Mar. 26, 1991]

IT'S TIME FOR A BREAKTHROUGH IN DESALINATION

(By Paul Simon)

Amid the massive coverage of the Gulf war and the lesser coverage of California's drought, an unfamiliar word began to enter the American lexicon: desalination—the process of extracting fresh water from sea water.

When Saddam Hussein resorted to oil spoilage as a weapon of war, the public learned that Saudi Arabia relies on desalination plants for much of its fresh water. As California's drought has worsened, some are touting desalination as an option to assure adequate water supplies. And on our other coast, Florida is having its own water-supply problems.

Lack of fresh water increasingly is a brake on economic development and a source of friction between nations and between states and regions here at home. On a recent trip I made with Senate colleagues through the Middle East, both Israeli Prime Minister Yitzhak Shamir and Egyptian President Hosni Mubarak talked passionately of water needs.

Just as today oil drives the energy engine for much of the industrialized world and thus causes international friction, tomorrow water will be a cause of intense competition and conflict as nations vie over a fundamental life-sustaining resource.

Saudi Arabia relies on desalination technologies that convert salt water to fresh water. Out of necessity, the Saudis have employed a technology that will become increasingly important in the future in the arid nations of the Middle East, but also in much of the rest of the world, including the United States.

Saudi Arabia can convert salt water to fresh water because the Saudis have the economic resources to afford using the present technologies. The US armed forces there did the same during the war, again because we could afford it.

But Egypt, with its mushrooming population, is able to use only 4 percent of its land, mostly along the Nile. And as its population grows, less and less of that land can be used to produce food. Egypt is right on the Mediterranean, with an abundance of water at hand—but water Egypt cannot afford to use because it doesn't have the money to use present desalination techniques.

Likewise, Mauritania is desperately poor in large part because of lack of water, yet it is right on the ocean. When I visited Mauritania a few years ago the people were growing only 10 percent of their own food. If the Mauritanians could use the water at their doorstep, they could dramatically improve their quality of life—and be food exporters.

According to a report by the Office of Technology Assessment, American industry was at the forefront of desalination technology throughout the 1960s and into the 1970s, thanks to President Kennedy's special interest in the subject. Our efforts peaked in 1967, when federal funding reached $119 million in 1990 dollars.

Because today's process of distiliation is energy-intensive, the oil crisis of the early 1970s brought a dramatic drop in interest and research. By the late 1980s, U.S.-funded research had dwindled to a few hundred thousand dollars a year. When we ended most government sponsorship for desalination research during the early 1970s, Japanese and European firms, some of which were and still are government-supported, began securing contracts that earlier would have gone to American firms.

A measure I introduced last year, calling for renewed research funding, has been included in the president's budget. But it is a long way from being effective. This year I have introduced bipartisan legislation that would charter a long-term commitment for the US to reenter the desalination research field. The early signs of support for the bill are encouraging.

Saudi Arabia and Israel are doing research. The Soviets are interested because they have great arid lands. Interest is growing in California, the Southwest, and Florida.

The major technical obstacle at the moment is energy efficiency. State-of-the-art desalination technologies require enormous amounts of energy to create relatively modest amounts of potable water.

While this problem is not insurmountable for a cash-rich and energy-rich nation like Saudi Arabia, it keeps the technology out of reach for most nations facing dire water shortages.

One positive side effect of the tragic conflict in the Persian Gulf is that it might enable us to focus world resources and attention on the need to accelerate work on desalination technologies. We should seize the chance to make sure we are prepared to deal with the inevitable situation of massive and dire water shortages in many parts of the world.

This is an issue that could cause future wars if we do not vigorously pursue research. Renewing US leadership on desalination technology will yield untold benefits later, in strengthened prospects for peace in the Middle East, in economic security here at home, and in helping to end hunger around the world.

HENRY BILLION

Mr. DASCHLE. Mr. President, decent. Decent and caring beyond what any one human being ought to be able to be. That is the way I remember Henry Billion.

He was generous and fair. He gave his time and smile to everyone. And both, coming from Henry, were treasured gifts.

Henry Billion was a one in a million kind of person. The kind who stands out in our minds for a fundamental decency we know we can never equal. The kind who leads his community and his business yet finds time every day of his life to return home for lunch and dinner with family, to attend Mass and to do all of these things without the slightest hint of self-righteousness nor reproach toward those who cannot.

Because his life is so worthy of our attention, because the tribute to him written by an outstanding reporter is so moving, but most of all just to honor a fine, fine man, I ask unanimous consent that the story entitled "Billion's 'Wonderful Life' Ends," be printed in the RECORD at the conclusion of my remarks.

And I hope you will pay special attention to the closing quote in that story. When told he had terminal cancer it reports Henry to have said, "I'm too old to die young. I've had a wonderful life."

Absolving death itself of blame, forgiving fate for his taking and thanking her for his life. That was Henry Billion. I will never forget him.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sioux Falls Argus Leader, July 16, 1991]

BILLION'S "WONDERFUL LIFE" ENDS

(By Brenda Wade Schmidt)

Longtime Sioux Falls car dealer and community leader Henry Billion died Monday night of cancer. He was 78.

Billion, who was in the car business for 56 years, is remembered for his commitment to his family, church and community. He helped start Crippled Children's Hospital and School, led the campaign to build O'Gorman High School and was a board member at McKennan Hospital, where he died.

"Some of us realize he made a real contribution to this community," said Louis Hurwitz, Sioux Falls lawyer and friend of 50 years. "He built bridges in this community over which many will cross."

Billion was born April 24, 1913, in Sioux Falls' North End, the son of Belgian immigrants. His father, Alphonse, died when he was 4 and his mother, Coralie, moved the family back to their home country. A few years later, the family was back in Sioux Falls where his mother ran a boarding house at 12th Street and Minnesota Avenue, now the site of the First Lutheran Church parish hall.

"My dad, I think, got his work ethic from her,'" said his son and business partner, Dave Billion.

Henry Billion graduated summa cum laude from Loras College, a Catholic school in Dubuque, Iowa. During school and for a short time after he graduated, he worked at J.C. Penney. He started in the car business with a partner in an Oldsmobile dealership in 1935 and opened Billion Motors in 1945. That business has since grown to four dealerships in Sioux Falls.

He married Evelyn Heitz in 1935, and they raised eight children.

Billion was the type of family man who, despite extreme business and community involvement, went home each day to eat lunch and dinner with his wife and children, the Rev. John McEneaney said. Billion also was religious, taking time out each day to attend Mass. "He had a deep love of his church," McEneaney said.

In 1959, Pope John XXIII named him a Knight of St. Gregory, a papal honor bestowed on people who have given to their church and community. "His whole life has been marked by an extraordinary spirit of service," McEneaney said.

Business competitors respected Billion. Paul McKeen was in the car business when Billion started his dealership. McKeen said Billion was "just a wonderful man all the way through. We enjoyed each other immensely."

Billion's early hobbies included gardening and flower beds. More recently, he spent time at his lake cabin in Minnesota. He enjoyed Louis L'Amour books and new cars.

"Every year they came out with something new, and he liked that better," Dave Billion said. In the elder Billion's garage, he kept a 1991 Plymouth Voyager and an 1991 Oldsmobile.

Billion never retired from the auto dealerships, his son said. He maintained an office and until a couple months ago stopped in regularly.

In 1965, father welcomed son into the business, and the two eventually became partners. The starred together in their own slapstick commercials and even when they couldn't agree, they got behind whatever decision was made, the younger Billion said.

"He gave me a lot of opportunity and encouragement," he said. "I couldn't write a better script on how it should work."

A growth in the throat in 1961 left Billion with a gravelly voice. "He was very deliberate and soft-spoken, and yet when he talked, you listened," Hurwitz said.

In an interview in 1985, Billion said the condition that took away his voice for six months taught him something. "I found out there were a lot of things you don't really have to say."

In February, he was diagnosed with cancer when doctors found a spot on his lung. The disease spread to his spine and bones. Surgery, chemotherapy and radiation treatments were ineffective at curing the cancer.

When he was told he had cancer, he was accepting of the illness, his son and his priest said. "He said, 'I'm too old to die young. I've had a wonderful life.'"

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,314th day that Terry Anderson has been held captive in Lebanon.

In recent days we have read press reports of the failing health of Terry Anderson and Alann Steen. While I would hope that all courses are already being pursued to secure the release of these illegally detained persons, this new information is disturbing and adds—if at all possible—to the urgency. I ask my colleagues to join me in my prayer that these men will soon recover their strength and be rejoined with their families.

EPA INDIAN SET-ASIDE FOR WASTE FACILITIES CONSTRUCTION

Mr. MURKOWSKI. Mr. President, I rise today to speak about the EPA's Indian set-aside for construction. The Indian set-aside was included in 1987 amendments to the Clean Water Act. Since that time the EPA has provided grants for 39 projects throughout the country. The authorization for this program expires this year and will not be reauthorized in time for 1992 appropriations.

I, along with other members of the Select Committee on Indian Affairs and my senior colleague from Alaska, Senator STEVENS, hoped that the Appropriations Committee would include a 1-percent set-aside for Indian construction in the EPA budget to fill in the gap between expiration and reauthorization. The set-aside of $23,835,000 would have allowed for construction at an additional 28 locations in 1992. Unfortunately the Appropriations Committee did not see fit to include this set-aside and instead compromised with ½ percent set-aside at the discretion of the Director of the EPA. I hope the EPA does use this money for Indian construction.

Although I will not offer an amendment today because this matter has been settled by compromise in the committee, I would like to express my disappointment that this 1 percent set-aside for Indian construction was not included and to explain why this program is so critical to Alaska Natives. I will work with my colleagues to include the 1-percent set-aside for 1993 in the reauthorization of the Clean Water Act.

I would like to tell you about the sanitation needs of rural Alaska Natives. I would like to tell you about the honey-bucket-haul system, sewage lagoons that break or overflow, areas where individual septic systems are not feasible due to permafrost conditions. Now I know that waste facilities, especially human waste facilities are not the most pleasant of topics. In fact, few of us think anything about them even as we flush the toilet. Rural Alaska Natives, however, face this issue everyday. They face human waste in ways we have never dreamed of, Mr. President. There are few toilets in bush Alaska.

Over 90 percent of the villages in rural Alaska do not meet some aspect of the State or Federal code for water and sewage systems. The estimated cost to provide piped water and sewage systems to Alaska Native villages which meet Federal and State standards is over $1 billion. Much of this money is needed for waste facilities construction.

There are approximately 200 Native villages in Alaska. The vast majority of these are served by the honey-bucket-haul system. Sewage is collected in buckets and emptied each day into lagoons, barrels, or cesspools. In the spring when the snow melts, the winter's sewage appears again in the village. Children play in the yellow snow. We can only imagine the sight. Alaska Natives live with it and many health problems result.

Sewage seeps into the rivers, wells, lakes—the very water supply that serves the village. This, in conjunction with inadequate washing facilities—most villages are served at best by a single "washeteria" where everyone gets their water—results in a threat to public health that is completely unacceptable. High rates of communicable diseases such as hepatitis are a fact of life in Alaska Native villages. Outbreaks occur every year.

Just this spring the sewage lagoon in Bethel began leaking into a nearby slough. Residents could no longer fish for fear of contamination and emergency money had to be found to correct the problem. Bethel is one of Alaska's larger villages with services that are the envy of many smaller villages, and yet even their sewage facilities are inadequate.

Although even with this money progress will be slow, progress must continue. We cannot ignore the needs of these people or put them off for another year while we work out reauthorization of the Clean Water Act. The need is there, we know it's there, and we know that we will include an Indian set-aside in the reauthorization. I do not believe the committee adequately understood the problems faced by Indians and Alaska Natives when they refused the 1-percent set-aside, but I hope that the Director of the EPA will use his authority to provide the ½ percent authorized for 1992.

THE LIFE OF EDWARD W. CLYDE

Mr. GARN. Mr. President, I rise today to announce the passing of a giant in the practice of western water law—the father of the central Utah project—Edward W. Clyde of Salt Lake City. I want to express my sympathy to Ed's wife Betty and his family. He will be sorely missed by all those who knew and worked with him.

We who reside comfortably in the arid West do so in part because of the brilliant mind and keen intellect that Ed Clyde applied to our water problems. No one mastered and understood the intricacies of western water law more fully, no one brought the vision of water reclamation into reality more tangibly than he did.

When the waters of the Colorado were allocated, Ed Clyde was there on behalf of the State of Utah to protect and promote Utah's interests. During the heated congressional debate leading up to passage of the 1956 Colorado River Storage Project Act [CRSP], Ed Clyde worked tirelessly to make certain that Utah and the West would receive the municipal, industrial, and irrigation waters to which we are entitled. The significant development of the Western United States today is due in a very real way to the foresight and

efforts to this great man during those and subsequent congressional debates.

Like no other man, Ed Clyde can accurately be described as the father of the central Utah project [CUP]. From its earliest days in the 1950's, until today, he continued to act as counsel to the Central Utah Water Conservancy District and counselor to us all. Countless times he would offer insight and bring me up to date on CUP developments during his many visits. His wisdom and institutional memory regarding the debates surrounding development of the Colorado River are legendary in the Western United States.

Mr. President, Utah has lost one of its most brilliant and visionary sons. The life of Edward W. Clyde will go forward as an example to us all. When the central Utah project is finally completed and the waters of the Colorado River System begin to flow into a greening and flourishing Great Basin, the vision of this extraordinary man will be fulfilled. On behalf of all the people of Utah, I express my appreciation for the life this man lived. The CUP will be a monument to his memory.

LEE HAMILTON MAKES SENSE ON THE ANDEAN DRUG WAR

Mr. CRANSTON. Mr. President, for some time now I have been strongly critical of the administration's efforts to provide military solutions to the Andean drug war.

As I have said many times on this floor, the militarization of the drug war cannot be an effective law enforcement alternative.

By strengthening Latin militaries in this internal security effort, we give them a role prohibited to our own military in our own Nation, and tend to reinforce their autonomy from civilian control.

This morning's Christian Science Monitor carried a very cogent argument by my friend Representative LEE HAMILTON on just how wrongheaded administration policy has been.

Representative HAMILTON believes, as I do, that the solution to the drug crisis requires the United States to work even more closely with our Andean partners to find alternative crops and to strengthen local civilian law enforcement efforts.

In the medium- to long-term, military solutions to the drug problem will only mean further loss of authority and ligitimacy by the Andean nations' elected authorities, the military's continual encroachment on civilian governance, and the poverty and degradation of the peoples—particularly the poor—of the region.

I commend him on this excellent article as I recommend it to my colleagues. I ask unanimous consent for this piece to be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, July 17, 1991]

EFFORT TO ATTACK DRUGS AT SOURCE FALTERS

(By Lee Hamilton)

Drug baron Pablo Escobar is doing his jail time in a custom-built prison near his base of operations in Medellin, Colombia. The Colombian government's failure to extradite Escobar and his aides to the United States, or to bring them to trial for cocaine trafficking, illustrates the difficulties of US policy in the drug war. Despite enormous investment, the US is making little progress in stopping drug production in South America.

Two years ago President Bush launched the "Andean Initiative," a major effort to stop the flow of cocaine into the US from the mountainous Andes region of South America (Bolivia, Colombia, and Peru). The US doubled law enforcement, military, and intelligence operations in the region. It sought to dismantle the supply network Colombian drug traffickers have set up to transport coca leaves from small farms to remote processing labs, and then to the US cocaine market. The US also offered incentives to the small farmers in the two spots which produce almost all the world's coca leaves (Peru's Upper Huallaga Valley and Bolivia's Chapare region) to switch to other crops.

Since 1989 funding for the Andean Initiative has more than doubled, from $171 million in 1989 to $379 million in 1991. The request for 1992 is $509 million.

Assessing Our Progress: In its effort to stem the supply of drugs, the US has used a three-pronged approach to cut coca production through crop eradication and substitution as well as interdiction. This strategy has had few results. Coca production is thriving. Even by the most cautious official estimates, coca production rose 5 percent between 1988 and 1990, with almost all of it coming from the remote regions of Bolivia and Peru.

A US pilot substitution program in which Bolivian small farmers are paid $900 for each acre they remove from coca production has not worked. The US has offered agricultural advice to small farmers wanting to substitute rice or corn for local consumption or bananas, pineapples, and palm hearts for export. These crops, however, have had little economic allure, in part because the international market for tropical produce is saturated.

Drug traffickers have moved their operations to escape crackdowns in Colombia, where 80 percent of the world's cocaine supply used to be processed. Now they are refining cocaine in Peru and Bolivia and transporting it directly to the US market, bypassing Colombia entirely. The traffickers are also expanding their operations to Ecuador, Brazil, and Venezuela.

The US interdiction program to stop Andean cocaine at national borders has had moderate success both in South America and in the US. Seizures of cocaine shipments by US officials were up sharply last year, prompting an estimated 9 percent decline in shipments arriving in the US. This was entirely due to improved interdiction of cocaine already enroute to the US.

Perhaps the best measure of success in limiting the cocaine supply is whether any shortages have resulted in this country, forcing up the price. These efforts to curb the supply have had little effect on the street price in the US, where 80 percent of the world cocaine supply is consumed. To reduce the supply, we must reinvigorate our strategy.

Controlling the Supply: First, we must recognize that farmers have to be able to grow crops at a profit. Destitute farmers have little choice but to grow coca, since it is the only way they can feed their families. A comprehensive US effort is needed including trade preferences, debt relief, and the creation of a market for other viable crops.

Second, we should strengthen civilian law enforcement. Police forces in South America are more responsive to civilian authority and less susceptible to corruption than military forces. The US ought to help civilian governments consolidate their control. Furthermore, the top priority of South American armies is to fight rebels and not drug traffickers. A militarization of the drug control effort has angered many in the region who fear increased violence.

Third, we need to strengthen our supply interdiction. Stopping drugs in transit has been more successful than crop substitution and eradication. Curtailing production is critical, but we must also reduce the supply crossing our borders.

Conclusions: Relations between Colombia and the US are deteriorating because of differences over the policies leading to the surrender of the drug traffickers. Colombians think Americans want to fight the drug war to the last Colombian. Americans think Colombia, with its soft treatment of Escobar and the other drug barons, is backing out of the drug war.

Colombia has been our staunchest ally in the effort to control drug trafficking but we will need its full cooperation for success. Certainly, Colombia has been more cooperative than Peru, which last year rejected $38 million in US military aid due to fears the money would strengthen the military at the expense of the struggling new civilian government.

The more we understand the problems the Andean governments face with drug trafficking, the more likely we will be able to succeed. We must continue to work with the Andean countries to limit the flow of illegal drugs into this country. We will not succeed without their cooperation and support.

In the meantime, we must reduce the demand for cocaine in the US through more effective law enforcement, education, and treatment.

REPEALING THE GAG RULE

Mr. RIEGLE. Mr. President, I urge my colleagues to support S. 323 and oppose amendments to weaken its intent. As an original cosponsor of this bill, I believe that federally funded health care clinics should provide nondirective counseling on the full range of medical options available to pregnant women, including prenatal care and delivery, infant care, foster care, adoptive services, and pregnancy termination.

The Supreme Court, in the Rust versus Sullivan case, recently upheld the administration's policy of restricting all federally funded health facilities that receive Federal family planning funds from discussing abortion as a medical option. When Congress enacted title X, it intended that patients be

given nondirective counseling needed to make informed choices about pregnancy, including referrals to services not provided under the program. The program's guidelines in effect before the gag rule are consistent with congressional intent.

The gag rule skews information given to patients about options for unintended pregnancy by requiring clinics to give information on some options but not others. By restricting the rights of low-income women to full information, it promotes a two-tiered health care system.

Mr. President, the gag rule conflicts with the professional ethics and guidelines of major medical organizations, including the American Medical Association and American College of Obstetricians and Gynecologists, which insist on the physician's responsibility to provide full information to patients. This regulation denies health professionals their first amendment right of free speech.

The Rust versus Sullivan decision establishes a legal barrier that prevents physicians from providing complete, professional, and accurate medical advice, potentially increasing their malpractice liability. In fact, I recently learned of a case in Boston of a physician who was found to be negligent in not informing a woman of medical circumstances that might have led her to choose to terminate her pregnancy. The jury awarded $1.3 million to the woman, who delivered a severely brain-damaged child in 1984 as a result of her exposure to German measles. The child died in 1990.

The gag rule would prevent women from receiving the information they need—thereby potentially endangering their health. The gag rule would permit exceptions to its restrictions if the case was an emergency and was life threatening to the women. But there are cases where a woman's health is threatened, but her life is not immediately threatened.

For example, consider the case of an Ann Arbor, MI woman. She was 34 and married, and has one child, who at the time of her decision, was 5 years old. She had surgery for breast cancer which, unfortunately, was spreading to other parts of her body. She had understood that she couldn't get pregnant due to the chemotherapy she was receiving to battle the cancer. Through a family planning clinic, she found out she was pregnant. She also learned from the OB-GYN doctor that when a woman is pregnant, her body produces more estrogen which exacerbates the cancer growth. Her doctor advised her not to continue the pregnancy for this reason and because her fetus may have been affected by the chemotherapy. Based on this information, she decided to terminate her pregnancy. Under the gag rule, this woman would not have received information vital to her health.

Mr. President, S. 323 is needed to restore the status of a successful 20-year program by codifying its existing services. I urge all my colleagues to support S. 323. I also want to commend my colleagues, Senators CHAFEE and KENNEDY, on their leadership in this area.

POSITION ON S. 323, AS AMENDED

Mr. MURKOWSKI. Mr. President, today the Senate passed by voice vote a bill sponsored by Senator CHAFEE regarding the so-called gag rule. If a rollcall vote on S. 323, as amended, were to have taken place, I would have voted "yes".

I believe that the Government should not restrict the medical communities ability to provide information to patients.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:16 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2031. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption;

H.J. Res. 181. Joint resolution designating the third Sunday of August of 1991 as "National Senior Citizens day"; and

H.J. Res. 255. Joint resolution designating the week beginning July 21, 1991, as the "Korean War Veterans Remembrance Week."

ENROLLED JOINT RESOLUTION SIGNED

At 6:26 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 279. Joint resolution to declare it to be the policy of the United States that there should be a renewed and sustained commitment by the Federal Government and the American people to the importance of adult education.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore [Mr. KOHL].

At 6:55 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1989. An act to authorize appropriations for the National Institute of Standards and Technology and the Technology Administration of the Department of Commerce, and for other purposes.

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1989. An act to authorize appropriations for the National Institute of Standards and Technology and the Technology Administration of the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.J. Res. 181. Joint resolution designating the third Sunday of August of 1991 as "National Senior Citizens Day"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 1341. A bill to amend title 5, United States Code, to require that a Federal employee be given at least 60 days written notice before being released due to a reduction in force (Rept. No. 102-110).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

John Schrote, of Ohio, to be an Assistant Secretary of the Interior.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Michael J. Malbin, of New York, to be a member of the National Council on the Humanities for the remainder of the term expiring January 26, 1994;

Harvey C. Mansfield, Jr., of Massachusetts, to be a member of the National Council on the Humanities for the remainder of the term expiring January 26, 1994;

Roy L. Shafer, of Ohio, to be a member of the National Museum Services Board for a term expiring December 6, 1994;

Steven I. Hofman, of Maryland, to be an Assistant Secretary of Labor; and

Jeffrey C. Martin, of Tennessee, to be General Counsel, Department of Education.

Diane S. Ravitch, of New York, to be Assistant Secretary for Educational Research and Improvement, Department of Education, vice Christopher T. Cross, resigned.

The following candidate for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

1. For appointment:

To be assistant surgeon

David L. Sprenger

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DIXON:

S. 1482. A bill to amend the Social Security Act to improve the notice of medicaid payment of medicare cost-sharing, and for other purposes; to the Committee on Finance.

S. 1483. A bill to extend the existing suspension of duty on parts of aircraft generators; to the Committee on Finance.

By Mr. CRAIG:

S. 1484. A bill to amend the Education Amendments of 1972 to ensure that students attending institutions of higher education that receive Federal funds are able to exercise the right to freedom of speech, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DANFORTH (for himself and Mr. BOND):

S. 1485. A bill to suspend temporarily the duty on Pyrantel Tartrate with Zeolex; to the Committee on Finance.

S. 1486. A bill to suspend temporarily the duty on Procaine Penicillin G (Sterile and Nonsterile); to the Committee on Finance.

By Mr. MCCONNELL:

S. 1487. A bill to amend section 97 of title 28, United States Code, to provide for Federal district court to be held in Hopkinsville, Kentucky; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 1488. A bill to amend the Older Americans Act of 1965 to increase efforts to inform isolated older individuals, and older individuals who are victims of Alzheimer's disease and related disorders, of the availability of assistance under title III of such act; to the Committee on Labor and Human Resources.

By Mr. BREAUX (for himself, Mr. LOTT, and Mr. JOHNSTON):

S. 1489. A bill to authorize appropriations for fiscal year 1992 for the Federal Maritime Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER:

S. 1490. A bill to provide for the establishment of a national scenic byways program; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself and Mr. CHAFEE):

S. 1491. A bill to establish a partnership among the U.S. Fish and Wildlife Service, the States, and private organizations and individuals to conserve the entire diverse array of fish and wildlife species in the United States and to provide opportunities for the public to enjoy these fish and wildlife species through nonconsumptive activities; to the Committee on Environment and Public Works.

By Mr. GORE:

S.J. Res. 181. Joint resolution calling on the President of the United States to take a leadership role in the international negotiations toward a World Forest Convention and a Framework Convention on Climate Change, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DIXON:

S. 1482. A bill to amend the Social Security Act to improve the notice of Medicaid payment of Medicare cost sharing, and for other purposes; to the Committee on Finance.

MEDICARE BENEFITS FOR LOW-INCOME ELDERLY AND DISABLED BENEFICIARIES

Mr. DIXON. Mr. President, I rise today to introduce legislation to resolve a problem for more than 2 million low-income older and disabled Americans.

Recently, newspapers from across the country reported on the shocking results of a study issued by an advocacy group, Families USA Foundation, entitled, "The Secret Benefit—The Failure to Provide the Medicare Buy-in to Poor Seniors." The study highlights the failure of the Federal Government and many States to make low-income senior and disabled Medicare beneficiaries aware of free benefits that are available to them.

Each month, the Federal Government is deducting Medicare premiums from the Social Security checks of many seniors whose incomes are below the poverty level, when in fact, these seniors are entitled to have those premiums paid free of charge for them.

Many of these seniors are also making out-of-pocket payments for physician care and other health services that they are entitled to receive, free of charge.

Mr. President, I am suspicious that many of these seniors are not seeking medical care for fear that they cannot afford the out-of-pocket deductibles and copayments, when in fact, they are entitled to these, free of charge.

I refer to the Qualified Medicare Beneficiary [QMB] Program. This program has a congressional mandate to pay for premiums, deductibles, and copayments associated with Medicare benefits for beneficiaries whose incomes are below the poverty level, and whose assets are limited.

As my colleagues may remember, during repeal of the Medicare Catastrophic Coverage Act of 1988, Congress left intact the requirement that beginning in January 1989, the Medicaid Program is responsible for all out-of-pocket costs for Medicare-covered services to poor seniors and persons with disabilities.

Today, these out-of-pocket payments are unaffordable for the poor. Some of the payments are as follows: $29.90 per month for Medicare premiums for an individual, $59.80 for a couple; $100 per year per individual for the part B deductible; 20 percent copayment for all physician charges above the $100 annual deductible; and $628 for each hospitalization deductible.

Mr. President, these payments add up to a devastating total—a total which creates a financial hardship for the poor.

In my own State of Illinois, there are potentially 102,415 poor seniors alone who are eligible for the QMB Program who are not receiving these benefits.

The bill that I am introducing today is budget neutral. It does not mandate any new benefits. Instead, this bill will make sure that all of the poor elderly and disabled folks in Illinois, as well as all other impoverished Medicare folks throughout this country, are informed about the financial assistance which Congress said they are entitled to receive.

I want to reveal this well-kept secret to all of our senior and disabled citizens. This legislation mandates a promotional responsibility, and puts that responsibility where it rightfully belongs—on the Federal Government.

Simply, Mr. President, this bill will require the Secretary of Health and Human Services to do the following:

First, provide information about the QMB Program to all persons who apply for or seek information about Medicare benefits;

Second, include a clear and simple explanation about the QMB Program in the agency's annual mailing to all part A and part B Medicare beneficiaries. The explanation must be designed to attract the attention of the reader.

There may I express we already do the mailing. This is not a new mailing. It simply says that you will, in a simple and concise way, explain to these senior citizens who are below the poverty level they have the right to obtain these benefits; and

Third, make recommendations to Congress not later than January 15, 1993, on any legislative changes that may be needed to improve implementation of the QMB Program.

Mr. President, I feel confident that this legislation will provide assurance that the QMB Program will no longer be a secret to the poor.

I appeal to my colleagues to join with me and cosponsor this important legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1482

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

SECTION 1. NOTICE OF MEDICAID PAYMENT OF MEDICARE COST-SHARING.

(a) IN GENERAL.—Section 1804 of the Social Security Act (42 U.S.C. 1395b-2) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) a clear, simple explanation (in a highlighted manner) of the eligibility requirements and application procedures for receiving payment of medicare cost-sharing (as defined in section 1905(p)(3)) by qualified medicare beneficiaries (as defined in section 1905(p)(1) and qualified disabled and working individuals (as defined by section 1905(s))."

(b) REPORT ON PROPOSED IMPROVEMENTS.—The Secretary of Health and Human Services shall report to the Congress not later than January 15, 1993, recommendations regarding any proposed legislation necessary to improve the provision of the benefits described in section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

By Mr. DIXON:

S. 1483. A bill to extend the existing suspension of duty on parts of aircraft generators; to the Committee on Finance.

SUSPENSION OF DUTY ON PARTS OF AIRCRAFT GENERATORS

Mr. DIXON. Mr. President, I am introducing legislation today to extend the existing duty-free status on aircraft generator components. This bill is simple and noncontroversial. The temporary suspension of duties on aircraft generators ends December 31, 1992. My bill would extend that date to December 31, 1994.

Legislation to temporarily suspend the duties on aircraft generator parts was incorporated in the last miscellaneous trade and tariff bill, H.R. 1594, and was passed. This bill is merely continuing that temporary suspension of duties for aircraft generator parts.

I had hoped that the completion of the GATT negotiations would have provided a permanent solution to this inequity. However, due to the temporary suspension of the GATT talks for 4 months and because there is no date on when these talks will finally conclude, I believe an extension of the duty-free status on aircraft generator components is necessary.

This bill merely provides time for the administrative process to correct an inequity created by the new harmonized system of tariffs. Before the tariff schedules were harmonized, aircraft generator components could be imported on a duty-free basis. Under the new harmonized tariff schedule, this duty-free treatment was eliminated.

This change resulted in a significant handicap for American producers of aircraft generators. Foreign-built aircraft generators can be imported duty-free, but if a U.S. firm wants to do the bulk of the work here in the United States, using some imported parts, import duties must be paid. As a result of this inverted tariff structure, there is an incentive to import complete aircraft generators from abroad.

As a result of this anomaly, Congress passed legislation in the 101st Congress to temporarily suspend duties on aircraft generator parts until the GATT negotiations or another administrative process could clear up this inequity toward U.S. aircraft generator manufacturers.

My bill would extend this duty-free status for aircraft generator parts until a more permanent solution can be found. This legislation is reasonable. I understand that the Finance Committee is considering putting together another miscellaneous trade and tariff bill; if this is the case, I strongly believe this provision should be included in that measure.

Mr. President, this is a meritorious bill, and I look forward to working with my colleagues to ensure its prompt enactment.

Mr. President, I ask unanimous consent that a copy of the bill be included at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1483

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

SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY.

(a) IN GENERAL.—Heading 9902.85.03 (relating to parts of aircraft generators) of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting "12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, after December 31, 1992.

By Mr. CRAIG:

S. 1484. A bill to amend the Education Amendments of 1972 to ensure that students attending institutions of higher education that receive Federal funds are able to exercise the right to freedom of speech, and for other purposes; to the Committee on Labor and Human Resources.

FREEDOM OF SPEECH ON CAMPUS ACT

Mr. CRAIG. Mr. President, from the first land grant and private colleges to today's expanded university, American campuses have served as sanctuaries to generations of Americans eager to learn more about the world and to prepare for life.

To a great extent, the history of the university is the history of free thought itself. And it's no mistake that we tend to judge the freedom and advancement of societies by the openness of their universities.

That is not to say our university culture—like the rest of society—hasn't been sidetracked now and then by mistaken enthusiasms and wrong-headed ideas. It has. But, for the most part, American universities have been bastions of free thought and free speech—a marketplace of ideas where the best among them could sift to the top after open discussions and heated debates.

I would submit that it was this open exchange of ideas—some of them wrong—and the freedom of speech—some of it mistaken—that allowed for the development of our universities and the minds of their students.

Everyone in this Chamber remembers the excesses people went to on our campuses in the late sixties and early seventies. I certainly do. I was a student then. At the height of the Veitnam era I was student body president at the University of Idaho where the classic administration/student confrontation was heating up.

What did we do? Well, to a great extent, what students wanted was to ask questions and exercise their freedom of speech. Many people believed some of what was said was misguided and overzealous, but the important thing as far as the university community was concerned was that it could be said.

As a student leader and a representative of my peers, I found myself in a challenging position: Balancing factions as diverse as Young Americans for Freedom and Students for a Democratic Society in the interest of free speech and fairness.

I, like others who found themselves somewhere in the middle, fought for the right of free speech on campus. And I believe it was the right of free speech—the debates and the letting off of steam—that kept the lid from blowing off.

But a lot has changed since then.

Today those very freedoms and that very openness are being threatened by a mistaken enthusiasm that is grabbing hold of more and more of our finest colleges and universities.

While the rest of us go about our daily business, the openness and freedom of our schools which we used to take for granted is being eroded and replaced by a new, narrow ideology which, under the guise of decency and openness, actually promotes censorship and radical political indoctrination.

I am talking about the movement on this Nation's campuses to harass and control students to conform their speech to the so-called politically correct norms as determined by a group of new age liberals who are attempting to control campus thought and expression.

We have all read about this phenomenon in the national prints. Professors and administrators at some of our best schools—who, in years past, served as strident defenders of free speech—are now instituting and enforcing behavior

codes and harassment policies that have the effect of denying students their first amendment rights.

As the sixties proved, mistaken enthusiasms can take hold for awhile. But, according to a recent article in U.S. News & World Report, "The new orthodoxy is unusual." Because "Its purity is guarded by faculty who rebelled as students in the sixties."

"Affirmative action, busing, gay rights, women's studies, the PLO, animal rights, bilingualism, the self-segregation of blacks on campus and censorship in the pursuit of tolerance are all politically correct." What's non-PC is "the SAT [scholastic aptitude test], doubts about abortion, Catholics, wearing fur, any emphasis on standards of excellence, and any suggestion that gender and ethnicity might not be the most overwhelmingly important issues of the modern era."

That should paint a pretty good picture—what's being advanced is a radical political agenda. And those who don't uphold it in speech are being punished.

Examples abound, and some of them are ridiculous.

Students at Brown University were banned from throwing parties with an ethnic theme after a student complained that a "South of the Border" party was offensive to Mexicans.

A Yale student was kicked off campus and could not attend graduation ceremonies because he helped advertise a debate whether the CIA's policy of discriminating against homosexuals was acceptable.

Campus debates on affirmative action and other important matters have been stopped because "political correctness" does not allow such discussion.

The list goes on and on.

The common denominator is that the codes needed to enforce ideological conformity and new-age sensitivity are trampling the first amendment of even the most mild mannered scholar. Students and professors who find themselves at odds with the codes are being denied tenure, asked to leave campus and having their reputations tarnished.

That is not fair. It is bad for the university, and it is trampling constitutional protections of free speech in one of the places where free speech and openness is most important.

Mr. President, I and others will be saying more about this matter later. However, today I would like to introduce legislation designed to bring common sense, balance, and free speech back to our colleges and universities. It is my hope that the Freedom of Speech on Campus Act of 1991 will help bar improper prior restraints on free speech.

My bill has a specific target: Shielding speech that should be protected by the Constitution. We all know there are certain kinds of speech—such as shouting obscenities, using "fighting words," or yelling "fire" in a crowded theater—that does not receive first amendment protection. This kind of speech is not covered.

My bill stands for the proposition that institutions of higher learning which receive Federal financial assistance cannot institute or enforce prior restraints on free speech. If such an institution discriminates against or sanctions a student on the basis of protected speech, it risks losing Federal funding. It is that simple.

Now, for what this legislation will not do:

It will not require professors to tolerate speech-related activities that disrupt the classroom or lecture hall—nor will it prevent them from giving out the grades they deem appropriate.

It will not prevent administrators from stopping activities that endanger the health or safety of students.

It will not stop advocates of "political correctness" or other ideas from espousing their views.

Religious and military institutions are exempt.

Mr. President, the Free Speech on Campus Act is an attempt to put an end to the misguided and dangerous practice of harassing young Americans with prior restraints on free speech. It is an effort to stop a form of what can only be called intellectual tyranny.

We would be wise to remember the words of Thomas Jefferson inscribed atop his memorial in our Nation's Capitol:

"I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

Mr. President, the aim of this legislation is to go after one of the most pernicious forms of such tyranny.

By Mr. DANFORTH (for himself and Mr. BOND):

S. 1485. A bill to suspend temporarily the duty on Pyrantel Tartrate with Zeolex; to the Committee on Finance.

S. 1486. A bill to suspend temporarily the duty on Procaine Penicillin G (Sterile and Nonsterile); to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

• Mr. DANFORTH. Mr. President, on behalf of myself and Senator BOND, I am introducing today two miscellaneous tariff bills. The first would suspend temporarily the duty on Pyrantel Tartrate with Zeolex through December 31, 1994. The second bill would suspend temporarily the duty on Procaine Penicillin G—sterile and nonsterile—through December 31, 1994.

I ask unanimous consent that the texts of these bills be printed in full in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1485

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

SECTION 1. PYRANTEL TARTRATE WITH ZEOLEX.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12 Pyrantel Tartrate with Zeolex (provided for in subheading 2934.90.50)	Free	No change	No change	On or before 12/31/94".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1486

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

SECTION 1. PROCAINE PENICILLIN G (STERILE AND NONSTERILE).

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12 Procaine Penicillin G (Sterile and Nonsterile) (provided for in subheading 2941.10.50)	Free	No change	No change	On or before 12/31/94".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.•

By Mr. MCCONNELL:

S. 1487. A bill to amend section 97 of title 28, United States Code, to provide for Federal district court to be held in Hopkinsville, Kentucky; to the Committee on the Judiciary.

PROVISION OF FEDERAL DISTRICT COURT TO BE HELD IN HOPKINSVILLE, KY

• Mr. MCCONNELL. Mr. President, Sir William Gladstone said in the 19th century that, "Justice delayed is justice denied." That is the case in Caldwell, Christian, Todd, and Trigg Counties in western Kentucky. Citizens in these

counties suffer undue delay and inconvenience in handling Federal court cases. This is attributable to the difficulty in getting to Paducah or Bowling Green where Federal district courts currently sit.

To alleviate the problem, I am introducing a bill to establish a Federal court in Hopkinsville. Hopkinsville already has a magistrate, a federally approved jail, and an FBI office.

People in these counties are being burdened by the lack of a Federal court within reasonable distance. Christian County has the third largest population in the western district and generates significant litigation in Federal court. It is expensive and inconvenient for lawyers and clients in the area to travel to Paducah or Bowling Green, currently the closest Federal courts. Paducah, the site of the nearest court, is over 70 miles away from Christian County.

The Federal Government pays for this inconvenience as well through the expense of transporting jurors, witnesses, attorneys, FBI agents, and other court personnel.

I propose to eliminate this expense and inconvenience by authorizing the Federal District Court for the Western District of Kentucky to reside in Hopkinsville. The cost for this proposal is minimal. Office and judicial space, subject to remodeling, already exists.

Mr. President, a relatively small gesture on the part of Congress could greatly benefit residents of these counties. I urge my colleagues to support me in enacting this bill.

Mr. President, I would like to take this opportunity to express my appreciation for the diligent work of Ben S. Fletcher III. Ben's tireless efforts on behalf of this project are greatly appreciated by me and the citiznes this bill would serve.•

By Mr. GRASSLEY:

S. 1488. A bill to amend the Older Americans Act of 1965 to increase efforts to inform isolated older individuals, and older individuals who are victims of Alzheimer's disease and related disorders, or the availability of assistance under title III of such act; to the Committee on Labor and Human Resources.

OUTREACH, INFORMATION, AND REFERRAL OLDER AMERICANS AMENDMENTS

• Mr. GRASSLEY. Mr. President, today I am introducing a bill which would amend the Older Americans Act of 1965 by enhancing the information and referral services available to Alzheimer's disease victims and their families. This bill was introduced by congresswoman OLYMPIA SNOWE in the House of Representatives.

Mr. President, the Congress will reauthorize again this year the Older Americans Act, one of our major public laws authorizing programs for older people. Since its original enactment in 1965, the Older Americans Act has become one of our great public success stories. It establishes a Federal-State-local-government-private sector partnership which draws on Federal, State and private sector funds to support many activities popular with older people.

I am pleased to offer this amendment to the act, Mr. President. I am also pleased to have cosponsored an amendment introduced by Senator GLENN on July 11 dealing with preventive health services under the act.

Ever since I first became concerned about Alzheimer's disease and the very difficult problems it creates for victims and their families, I have been aware that locating appropriate services is one of the most difficult of these problems.

This is a concern that is always raised by families who care for an Alzheimer's disease victim. This was the case at hearings and at workshops I held in the 98th and 99th Congresses under the auspices of the Subcommittee on Aging of the Committee on Labor and Human Resources when I was its chairman.

This concern was also reported in the major study of Alzheimer's disease done by the Congressional Office of Technology Assessment called "Losing a Million Minds."

It became clear that the OTA could provide a valuable service by focusing directly on this problem and trying to see how services for Alzheimer's disease victims and their families could best be located for those in need of them.

Therefore, with other Senators, I requested OTA to do a follow-up to "Losing a Million Minds" which would focus on this problem. This led to a second OTA publication which appeared in late 1990 and was called "Confused Minds, Burdened Families."

That study confirmed many of the things families and their representatives had been saying about the difficulty of finding appropriate services.

That study also reviewed types of agencies that might have the capacity to provide this kind of brokerage service. Agencies reviewed included area agencies on aging, community mental health centers, Alzheimer's Association chapters, home health agencies, and adult day care centers.

Although, according to OTA, all the organizations reviewed had strengths and weaknesses in relation to this problem, I believe that the existing information and referral capacity of the Older Americans Act network is well designed to be helpful with it.

Therefore, my bill would amend the act to call for the information and referral activity required of each area agency on aging to put emphasis "on linking services available to isolated older individuals and older individuals who are victims of Alzheimer's disease and related disorders * * *."

The bill also requires the Older Americans Act Plan required of each State to include similar language.

Mr. President, this bill, if enacted, will not solve the problem of linking victims and their families with services. But I have great faith in the capacity of our area agencies on aging, and believe that they can definitely make a contribution to that end.•

By Mr. BREAUX (for himself, Mr. LOTT, and Mr. JOHNSTON):

S. 1489. A bill to authorize appropriations for fiscal year 1992 for the Federal Maritime Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL MARITIME COMMISSION AUTHORIZATION ACT

• Mr. BREAUX. Mr. President, I, along with my colleague Senator LOTT, am introducing a bill today that authorizes the appropriations for the Federal Maritime Commission [FMC] for fiscal year 1992. The bill authorizes $17,974,000 to be used for the operations of the FMC. This is the same amount requested by the President in his budget request and the same amount in the FMC authorization bill passed by the House.

The bill also amends the Shipping Act of 1984. Section 3(8) and 9 of that act include provisions of the Shipping Act of 1978, more popularly known as the Controlled Carrier Act. The Controlled Carrier Act was passed with the intention of preventing controlled carriers, that is, government-owned or controlled carriers, from taking advantage of predatory, noncommercial price-cutting measures to unfairly undercut commercial carriers.

There was an oversight in the Shipping Act of 1984 which would allow the Act to be undermined through the use of "service contracts" by controlled carriers who engage in the U.S. waterborne foreign commerce. Under a service contract a shipper agrees to provide to a specific carrier or conference a minimum amount of cargo over a set period of time while the carrier or conference commits to an agreed rate and guarantees specific services. Congress incorporated verbatim the provisions of the Controlled Carrier Act into the Shipping Act of 1984.

The Shipping Act of 1984 contains a requirement that controlled carriers must maintain rates or charges that are "just and reasonable." The FMC has been given the authority to disallow controlled carrier rates that it feels do not meet this criteria. Controlled carrier rates generally can not be charged until 30 days after they have been filed with the FMC. However, since these restrictions apply only to a controlled carrier's rates or charges in its tariffs filed with the FMC, the service contracts entered into by controlled carriers are not subject to the same restrictions. Carriers

are not required to file rates in service contracts in their tariffs. This means that these rates do not fall under the restrictions of the 1984 act. The FMC believes that it is not logical to empower it to oversee and regulate the possible predatory practices of foreign state-owned carriers who file their rates in tariffs, but not in service contracts.

The intention of this amendment is to resolve this problem by amending the Shipping Act of 1984 to require service contracts to meet the "just and reasonable" standard to which the 1984 act refers.

The bill also contains an amendment which would lift certain restrictions on the following vessels.

The *Lois T*—U.S. official number 668034—is a 29-foot sloop built in 1984 in Canada. The present U.S. citizen owner purchased it in 1988. He intends to charter it for 4-person sailing and fishing parties in the Chesapeake Bay.

The *Windward III*—U.S. official number 552289—is a 30-foot fishing vessel built in 1970 in Canada. The present owner, who purchased it in April 1990, unaware of the impediment to its commercial use, intends to use the vessel as a 6-passenger charter boat out of the Wrightsville, NC, area.

The *Argosy*—U.S. official number 528616—is a 60-foot motor yacht built in 1970 in Florida. From April 1981 to September 1983, the vessel was owned by a British-controlled Florida corporation, thus precluding its employment in the U.S. trades. Its present owner was not aware of this impediment prior to this purchase of the vessel. He intends to charter it in the Chesapeake Bay and to use it for community service projects sponsored by the Maryland Department of Natural Resources.

The *Pure Pleasure*—U.S. official number 968163—is a 31-foot fishing vessel built in Florida in 1980. The original owner of the vessel was a marine sales company which went bankrupt, and its records cannot be located. The present owners of the vessel cannot furnish a complete record of its intervening owners. Thus they are not able to obtain a certificate of documentation to permit commercial chartering of the vessel.

The *Jiggs*—U.S. official number 208787—is a 137-foot tugboat built in Ohio in 1911. From 1936 until 1970, it was owned by a Canadian corporation. Its present owners, who have owned it since 1972, desire to document it to permit its commercial services in the Great Lakes area.

The *Nushagak*—U.S. official number 618759—is a 64-foot fish processing vessel built in Japan in 1971. Its owners, U.S. citizens, purchased it in 1986 and have spent nearly $1 million in U.S. shipyards refitting the vessel. In order to continue to sell its production to its present buyers, the vessel must operate in U.S. territorial waters of the western communities of Alaska, which prohibited because of its foreign construction.

The *Phoenix*—U.S. official number 655712—is a 38-foot sailing vessel built in Canada in 1982. Its present owner purchased it in 1983 and was not aware of the impediments to its commercial use. He wishes to use the vessel for 6-person sailing charters.

The *Starlight VIII*—U.S. official number 910317—is a 42-foot yacht built in Maryland in 1968. The present owners of the vessel can not secure proper proof of its original owner. Thus, they are unable to obtain a certificate of documentation to permit commercial chartering of the vessel on the Great Lakes.

The *Cutty Sark*—U.S. official number 282523—is a 40-foot ketch desinged to resemble the *Mayflower*. It was built in Hong Kong in 1960. The present owners bought the vessel in 1989 and have modified it in U.S. shipyards for operation in Alaskan waters. At the time of the purchase of the vessel, they were not aware that U.S. law prohibits its use for excursion trips in Alaska.

The *Marcica*—Maryland registration number MD6417P—is a 32-foot cruiser built in the United States in 1972. The present owner who purchased the vessel in 1980 wishes to use it for charter fishing and cruising in the Chesapeake Bay and lower Potomac River. He has been unable to secure the necessary builder's certificate to permit documentation for commercial use.

The bill also waives the restrictions of the Jones Act and any other laws which restrict the operation of foreign-flag vessels in the coastwise trade of the United States for the M/V *Nordic Louisiana*—United Kingdom official number 306173. The M/V *Nordic Louisiana* is a British-build molten sulphur tanker owned by Freeport-McMoRan Resource Partners of New Orleans. The waiver will allow the vessel to engage temporarily in the coastwise trade until a replacement for the M/V *Louisiana Brimstone* can be obtained. That vessel was recently damaged beyond repair off the coast of Mexico.

Because there are no other available vessels capable of carrying liquid sulphur which are qualified to operate in the domestic trade—as certified by the Maritime Administration—the transportation of liquid sulphur to the Florida fertilizer industry would be seriously disrupted without this waiver. The Department of Agriculture has stated that the issuance of this waive is in the interest of national defense.

The wiaver will be based on several conditions. First the replacement vessel must be constructed in or rebuilt in a U.S. shipyard with 4 years of enactment with a binding contract for the work in place within 9 months of the enactment. Also, the repair work necessary to make the M/V *Nordic Louisiana* operational must also be performed in a U.S. shipyard. Finally, during the period of the waiver the officers and the crew of the M/V *Nordic Louisiana* must be U.S. citizens as a condition of the waiver.

The amendment also lifts restrictions on eight inflatable vessels. The waiver will permit these vessels to engage in the coastwise trade of the United States and permit them to be used to carry passengers between ports or places in the United States.

This legislation is necessary for the FMC to carry out all of its functions that are so important to regulation of the waterborne commerce of the United States. I, therefore, urge its quick passage.

Mr. President, I ask unanimous consent that the text of the measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1489

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act of 1991".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Maritime Commission $17,974,000 for fiscal year 1992.

SEC. 3. COASTWISE TRADE AUTHORIZATION.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), or any other provision of law restricting the operation of foreign-flag vessels in the coastwise trade of the United States, as applicable on the date of enactment of this Act, the foreign-flag vessel NORDIC LOUISIANA may, during the period described in subsection (b), engage in the transportation by water of molten sulphur in the coastwise trade of the United States, if—

(1) a binding contract for the construction or rebuilding, in the United States, of a coastwise-qualified replacement vessel is executed within 9 months after the date of enactment of this Act;

(2) all ship repair work on the NORDIC LOUISIANA necessary to its operation under this section is performed in the United States; and

(3) all officers and crew members employed on board the NORDIC LOUISIANA during its operation under this section are United States citizens.

(b) PERIOD OF AUTHORIZATION.—The period of transportation authorized under subsection (a) begins on the date of enactment of this Act and ends on the earlier of—

(1) the date that is 4 years after such date of enactment; or

(2) the date of delivery of a coastwise-qualified replacement vessel constructed in or rebuilt in the United States.

SEC. 4. WAIVERS FOR CERTAIN VESSELS.

(a) AUTHORIZATOIN TO ISSUE CERTIFICATES OF DOCUMENTATION.—Notwithstanding section 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) ARGOSY (United States official number 528616).

(2) CUTTY SARK (United States official number 282523).

(3) JIGGS (United States official number 208787).

(4) LOIS T (United States official number 668034).

(5) MARICA (State of Maryland registration number MD 6417P.

(6) NUSHAGAK (United States official number 618759).

(7) PHOENIX (United States official number 655712).

(8) PURE PLEASURE (United States official number 968163).

(9) STARLIGHT VIII (United States official number 910317).

(10) WINDWARD III (United States official number 552289).

(b) WAIVER FOR CERTAIN INFLATABLE VESSELS.—Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the following inflatable vessels may engage in the coastwise trade:

(1) Serial number 3968B, model number J990.

(2) Serial number 4581B, model number J990.

(3) Serial number A501A, model number D989.

(4) Serial number A502A, model number D989.

(5) Serial number 6291C, model number G091.

(6) Serial number 6300C, model number G091.

(7) Serial number 7302C, model number G091.

(8) Serial number 7305C, model number G091.

SEC. 5. CONTROLLED CARRIERS.

(a) CONTROLLED CARRIER RATES.—Section 9(a) of the Shipping Act of 1984 (46 App. U.S.C. 1708(a)) is amended by inserting "or service contracts" immediately after "tariffs" each place it appears.

(b) EFFECTIVE DATE OF RATES.—Section 9(c) of the Shipping Act of 1984 (46 App. U.S.C. 1708(c)) is amended by inserting "and except for service contracts" immediately after "Notwithstanding section 8(d) of this Act".•

By Mr. ROCKEFELLER:

S. 1490. A bill to provide for the establishment of a national scenic byways program; to the Committee on Environment and Public Works.

SCENIC BYWAYS ACT OF 1991

• Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Scenic Byways Act of 1991, a bill to establish a national network of scenic and historic roads. A national scenic byways system will enhance travel and tourism, a major industry in our 50 States, by luring travelers from the interstate highways to our Nation's backroads. A national scenic byways system will also protect the unique scenic, cultural, and recreational value of our scenic byway corridors.

This bill has been the culmination of several years of work, on my part and on the part of many interested groups, to establish a nationally designated network of scenic byways as part of the 1991 Federal aid highway bill. In February 1989, I introduced the Scenic Byways Study Act—S. 432—directing the Secretary of Transportation to make recommendations and develop guidelines for a scenic byways system. I was very pleased and proud to have my scenic byways study included in the Department of Transportation's Fiscal Year 1990 Appropriations Act. In February of this year, the Department of Transportation submitted this report on scenic byways to the Congress.

The measure which I am introducing today is based on the results of this national scenic byways study. In its study, the Department of Transportation found that nearly half of the States already have some type of scenic byways program in place. However, the study concluded that better results could be obtained if the various Federal, State, and local efforts are made in a more coordinated and mutually supportive manner. My bill is intended to lend support to those State efforts, encourage States that have not yet initiated scenic byways programs, and to facilitate information sharing among the States.

This is not the first time that a study has been done and Congress has looked at establishing a national scenic byways program. The Kennedy, Johnson, and Nixon administrations all established commissions or issued reports calling for a national system of scenic roads. A study prepared in 1987 for President Reagan's Commission on Americans Outdoors found that next to walking, pleasure driving is the most popular form of outdoor recreation for Americans. Consequently, the commission recommended the establishment of a network of State and local scenic byways and a Federal matching fund incentive program.

Congress is in the midst of considering the 1991 Federal highway bill, including determining what our Nation's transportation needs will be into the next century. With the Interstate Highway System almost complete, the time is finally ripe for a national scenic byways program.

The lure of the backroad has been an American tradition for many generations. The Sunday drive in the country, the cross-country trip to visit national parks and forests, and outings to see the fall foliage, are among the American traditions that have enriched us and helped us appreciate the beauty of our Nation. A scenic byways network would help ensure that the beauty of those scenic roads is protected for future generations.

Investing in and protecting that great resource—our scenic roads—can be accomplished by establishing a national scenic byways program. This should be one of the goals of the Federal highway bill.

The national scenic byways system will not consist of newly built roads, but rather, will use existing roads. It will complement the Interstate Highway System by providing alternate routes for recreational drivers—routes which showcase the Nation's natural majesty and cultural diversity. Studies show that almost 80 percent of American adults drive for pleasure and to sightsee. The Federal Highway Administration reports that 30 percent of all vehicular miles are driven for recreational activities. Increasingly, Americans are vacationing near their homes, and are including the drive to get there as part of their vacation.

The economic benefits of scenic byways as a means to increase travel and tourism are enormous. The desire to hit the road and see America firsthand has made travel and tourism the fastest growing industry in the country. Travel and tourism is a $327 billion industry which employs over 5.8 million Americans. It is also our Nation's largest export, earning $34.4 billion in 1990.

The Scenic Byways Act would not only increase tourism revenues generated from Americans, but also from foreign visitors. Increasingly, international tourists to this country are vistors who have already seen our big cities and developed attractions. More and more of these visitors are flying to gateway cities and renting vehicles to drive through America to see our wide open spaces, our wildlife and our smaller communities. The byways program will provide them with well-marked, scenic routes showcasing the best of our country.

The increased traffic through these beautiful areas of our country will also help invigorate the economies of those areas. Tourism has become the second largest industry in my home State of West Virginia, and the lifeblood of many of its rural areas. Tourists spend nearly $4 million a day in West Virginia alone. Tourism tax revenues raise a million dollars a year. And most importantly, 30,000 West Virginians are employed by some part of this multifaceted industry. The growth of tourism as a stable source of income for the citizens of all States makes the byways bill extremely attractive as a means of economic development.

Specifically, this scenic byways proposal includes funding to help States create a system of road designations, scenic easements, rest areas, turnoffs, and overlooks. It would improve access to recreational areas and provide funding for information and interpretation services. The Secretary of Transportation would be responsible for designating roads nominated by State and Federal agencies to be included in the system based on their scenic, historic, recreational, archeological, or cultural value. State participation in the program would be completely voluntary.

This bill creates an Office of Scenic Byways within the Department of Transportation to provide technical assistance to the States and to help States promote their scenic byways. It also establishes a scenic byways advisory committee to develop criteria for

designation of scenic byways and to make recommendations for a very special set of routes of truly national significance which would be designated all-American roads.

The key to the scenic byways program is that it will not require an enormous outlay of funds. Because the byway system will be created from existing local, State, and National roads, the funding required for us to establish a recreational highway system will be moderate. The bill authorizes $20 million in fiscal year 1992 and $30 million in fiscal year 1993 for the interim program. It authorizes $50 million in 1994 and $75 million the year after.

The Senate has approved a scaled-down version of this scenic byways legislation, which was included in the Federal highway bill. We hope that the House will include this Scenic Byways Act of 1991, in its entirety, in its own highway bill.

Mr. President, we understand the economic value of travel and tourism and the parallel importance of protecting our wonderful national and cultural resources. I introduce this legislation to help my colleagues fully realize the benefits and practicability of a stronger byways program. This scenic byways bill will be an important tool to aid communities in focusing on their unique assets and developing plans to protect them.

I urge my colleagues to support the Scenic Byways Act of 1991. Not only does this bill enjoy broad support among recreation, conservation, tourism, and highways interest, but it is a bill which will benefit all Americans.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD, immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1490

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Scenic Byways Act of 1991".

SEC. 2. PURPOSE.

The purpose of this Act is to establish a national scenic byways program—

(1) to preserve and enhance scenic byways for the benefit and enjoyment of present and future generations;

(2) to promote rural economic development, tourism, and marketing opportunities;

(3) to preserve scenic and historic resources; and

(4) to establish a new all-American road category of scenic byways.

SEC. 3. OFFICE OF SCENIC BYWAYS.

Section 104 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(e) OFFICE OF SCENIC BYWAYS.—There is established in the Administration an Office of Scenic Byways. The Office of Scenic Byways shall—

"(1) maintain, and provide to States, information regarding Federal and State activities and programs for scenic byways;

"(2) promote the existence and use of Federal and State assistance for scenic byways and all-American roads;

"(3) establish and maintain, in cooperation with the States, an inventory of highways for designation as scenic byways and all-American roads under section 219 of title 23;

"(4) carry out the planning, research, and technical assistance duties of the Department of Transportation with respect to the national scenic byways program under such section; and

"(5) carry out such additional duties as the Secretary may prescribe.".

SEC. 4. SCENIC BYWAYS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall establish in the Department of Transportation an advisory committee to assist the Secretary with respect to establishment of a national scenic byways program under section 219 of title 23, United States Code.

(b) MEMBERSHIP.—The advisory committee established under this section shall be composed of 16 members as follows:

(1) The Administrator of the Federal Highway Administration or the designee of the Administrator who shall serve as chairman of the advisory committee.

(2) The Chief of the Forest Service of the Department of Agriculture or the designee of the Chief.

(3) The Director of the National Park Service of the Department of the Interior or the designee of the Director.

(4) The Director of the Bureau of Land Management of the Department of the Interior or the designee of the Director.

(5) The Under Secretary for Travel and Tourism of the Department of Commerce or the designee of the Under Secretary.

(6) The Assistant Secretary for Indian Affairs of the Department of the Interior or the designee of the Assistant Secretary.

(7) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests of conservationists on the advisory committee.

(8) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests of recreational users of scenic byways on the advisory committee.

(9) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests of the tourism industry on the advisory committee.

(10) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests of historic preservationists on the advisory committee.

(11) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests of highway users on the advisory committee.

(12) 1 individual appointed by the Secretary of Transportation to represent State highway and transportation officials.

(13) 1 individual appointed by the Secretary of Transportation to represent local highway and transportation officials.

(14) 1 individual appointed by the Secretary of Transportation who is specially qualified to serve on the advisory committee as a planner.

(15) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the motoring public.

(16) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent groups interested in scenic preservation.

Individuals appointed as members of the advisory committee under paragraphs (7) through (16) may be State and local government officials. Members shall serve without compensation other than for reasonable expenses incident to functions of the advisory committee.

(c) FUNCTIONS.—The advisory committee established under this section shall develop and make to the Secretary of Transportation recommendations regarding minimum criteria for use by State and Federal agencies in designating highways as scenic byways and as all-American roads for purposes of section 219 of title 23, United States Code. Such recommendations shall include recommendations on the following:

(1) Consideration of the scenic beauty and historic significance of highways proposed for designation as scenic byways and all-American roads and the areas surrounding such highways.

(2) Operation and management standards for highways designated as scenic byways and all-American roads, including strategies for maintaining or improving the qualities for which a highway is designated as a scenic byway or all-American road, for protecting and enhancing the landscape and view corridors surrounding such a highway, and for minimizing traffic congestion on such a highway.

(3)(A) Standards for scenic byway-related signs, including those which identify highways as scenic byways and all-American roads.

(B) The advisability of uniform signs identifying highways as components of the scenic byway system.

(4) Standards for maintaining highway safety on the scenic byway system.

(5) Design review procedures for location of highway facilities, landscaping, and travelers' facilities on the scenic byway system.

(6) Procedures for reviewing and terminating the designation of a highway designated as a scenic byway if such highway is not maintained in accordance with the minimum criteria established for designation as a scenic byway.

(7) Such other matters as the advisory committee may deem appropriate.

(8) Such other matters for which the Secretary of Transportation may request recommendations.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the advisory committee established under this section shall submit to the Secretary of Transportation a report containing the recommendations described in subsection (c).

(e) ESTABLISHMENT OF MINIMUM CRITERIA.—Not later than 6 months after the date of submission of the report of the advisory committee under subsection (d), the Secretary of Transportation, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the Secretary of Agriculture, shall establish, by regulation, a minimum criteria for use by the State and Federal agencies in designating highways as scenic byways and as all-American roads for purposes of section 219 of title 23, United States Code. Such criteria shall include, at a minimum, a criterion with respect to each item listed in subsection (c).

(f) TERMINATION.—The advisory committee established under this section shall terminate on the last day of the 4-year period beginning on the date of the enactment of this Act.

SEC. 5. INTERIM SCENIC BYWAYS PROGRAM.

(4) GRANT PROGRAM.—During fiscal years 1992 and 1993, the Secretary of Transportation may make grants—

(1) to any State which has a scenic highway program for carrying out eligible projects on highways which the Secretary considers highly likely to be designated as scenic byways under section 219 of title 23, United States Code; and

(2) to any State which does not have a scenic byway program for the purpose of developing such a program.

(b) PRIORITY PROJECTS.—In making grants under paragraph (1) of subsection (a), the Secretary shall give priority to—

(1) those eligible projects which are included in a corridor management plan for maintaining scenic, historic, recreational, cultural, and archeological characteristics of the corridor while providing for accommodation of increased tourism and development of related amenities;

(2) those eligible projects for which a strong local commitment is demonstrated for implementing the management plans and protecting the characteristics for which the highway is likely to be designated as a scenic byway;

(3) those eligible projects which are included in programs which can serve as models for other States to follow when establishing and designing scenic byways on an intrastate or interstate basis; and

(4) those eligible projects in multi-State corridors where the States submit joint applications.

(c) ELIGIBLE PROJECTS.—Projects eligible for Federal assistance under this section are those which would be eligible for Federal assistance under section 6 of this Act, and are described in subsection (f) of such section 219.

(d) FEDERAL SHARE.—The maximum Federal share payable for the costs of carrying out projects and developing programs under this section with funds made available to this section shall be 75 percent.

(e) FUNDING.—There shall be available to the Secretary of Transportation for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $20,000,000 for fiscal year 1992 and $30,000,000 for fiscal year 1993. Such sums shall remain available until expended.

(f) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of Transportation of a grant with funds made available under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project or program.

SEC. 6. NATIONAL SCENIC BYWAYS PROGRAM.

(a) ESTABLISHMENT.—Chapter 2 of title 23, United States Code, is amended by adding at the end the following new section:

§219. National scenic byways program

"(a) IN GENERAL.—The Secretary shall establish a national scenic byways program in accordance with this section. The scenic byways system shall consist of highways designated by the Secretary as scenic byways as a result of scenic, historic, recreational, archeological, or cultural values associated with each of such highways. The purpose of such program shall be to improve opportunities for travel on, and to maintain and enhance the values associated with, highways designated as scenic byways under this section.

"(b) STATE NOMINATION.—Each State may submit to the Secretary nominations of highways for designation as scenic byways. Such a nomination shall include, at a minimum, a State certification that, if a highway is designated as a scenic byway under this section, the highway will be managed by the State or a political subdivision thereof in accordance with the requirements of this section.

"(c) DESIGNATION.—

"(1) IN GENERAL.—The Secretary shall designate, from among highways nominated by States under this section, highways as scenic byways and all-American roads which meet the minimum criteria established by the Secretary under section 3 of the Scenic Byways Act of 1991.

"(2) TERMINATION.—If the Secretary determines that a highway designated as a scenic byway under this section is not being operated and maintained in compliance with this section, the Secretary may terminate the designation of such highway as a scenic byway.

"(d) GRANT PROGRAM.—After September 30, 1993, the Secretary shall make grants to States for one or more of the following purposes:

"(1) Developing a scenic byway program.

"(2) Carrying out of eligible projects on highways which are designated as part of the scenic byways system.

"(3) Carrying out programs for promoting the use of, and providing to the public information concerning, the scenic byway system.

"(e) PRIORITY PROJECTS.—In making grants under subsection (d)(2), the Secretary shall give priority to—

"(1) those eligible projects which are to be carried out on highways designated as all-American roads;

"(2) those eligible projects which are included in a corridor management plan for maintaining scenic, historic, recreational, cultural, and archeological characteristics of the corridor while providing for accommodation of increased tourism and development of related amenities;

"(3) those eligible projects for which a strong local commitment is demonstrated for implementing the management plans and protecting the characteristics for which the highway is designated as a scenic byway;

"(4) those eligible projects in multi-State corridors where the States submit joint applications; and

"(5) those eligible projects which enhance the opportunity for recreation, including water-related recreational activities.

"(f) ELIGIBLE PROJECTS.—The following are projects which are eligible for Federal assistance under this section:

"(1) Planning, design, and development of State scenic byway programs.

"(2) Making safety improvements to a highway designated as scenic byway under this section to the extent such improvements are necessary to accommodate increased traffic, and changes in the types of vehicles using the highway, due to such designation.

"(3) Acquisition of scenic easements or the highway and areas of scenic, historical, archeological, scientific, or other interest in areas adjacent to the highway.

"(4) Construction along the highway of facilities for the use of pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities.

"(5) Improvements to the highway which will enhance access to an area for the purpose of recreation, including water-related recreation.

"(6) Protecting historical and cultural resources in areas adjacent to the highway.

"(7) Developing and providing tourist information to the public, including interpretive information about the scenic byway.

"(g) LIMITATION.—The Secretary shall not make a grant under this section for any project which would not protect the scenic, historic, recreational, cultural, natural, and archeological integrity of the highway and adjacent area.

"(h) FEDERAL SHARE.—The maximum Federal share payable for the costs of carrying out projects and developing and carrying out programs under this section with funds made available pursuant to this section shall be 75 percent.

"(i) TRANSPORTATION PLANS.—Each State shall incorporate planning for scenic byways and recreational travel in the urban and statewide transportation planning of such State.

"(j) PLANNING, RESEARCH, AND TECHNICAL ASSISTANCE.—The Secreatary may use not to exceed 5 percent of the funds made available to carry out this section in any fiscal year to carry out through the Office of Scenic Byways planning, research, and technical assistance activities with respect to the national scenic byway program.

"(k) PUBLIC PARTICIPATION.—The Secretary shall issue regulations ensuring adequate notice and opportunity for public participation and comment in the designation of scenic byways and all-American roads under this section and in development of corridor management plans referred to in subsection (e)(2).

"(l) FUNDING.—

"(1) IN GENERAL.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $50,000,000 for fiscal year 1994, and $75,000,000 per fiscal year for each of fiscal years 1995 and 1996. Such sums shall remain available until expended.

"(2) USE OF APPORTIONED FUNDS.—If a highway designated as a scenic byway under this section is also a highway on a Federal-aid system, funds apportioned for use on projects on such system may also be used to carry out projects eligible under this section on the highway by the State to which the funds are apportioned. Use of the funds shall be subject to provisions of this title applicable to such system; except the highway shall not be required to be constructed, reconstructed, restored, or rehabilitated to the standards applicable to such system under section 109 of this title.

"(m) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under subsection (1)(l) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project or program.

"(n) DEFINITIONS.—As used in this section, the following definitions apply:

"(1) HIGHWAY.—The term 'highway' includes dirt and gravel roads.

"(2) ALL-AMERICAN ROAD.—The term 'all-American road' means those highways designated as scenic byways under this section which are of national significance, are of outstanding beauty, are in areas of quintessential scenery, are of high cultural interest, or are of exceptional or unique value."

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of such title is amended by adding at the end the following:

"219. National scenic byway program.".

SEC. 7. LIMITATIONS ON STATUTORY CONSTRUCTION.

Nothing in this Act, including any amendment made by this Act, shall be construed as altering or otherwise affecting Federal laws and policies regarding the acquisition of roads, easements, and rights-of-way and as establishing any Federal land use controls or regulations.●

By Mr. MITCHELL (for himself and Mr. CHAFEE):

S. 1491. A bill to establish a partnership among the U.S. Fish and Wildlife Service, the States, and private organizations and individuals to conserve the entire diverse array of fish and wildlife species in the United States and to provide opportunities for the public to enjoy these fish and wildlife species through nonconsumptive activities; to the Committee on Environment and Public Works.

PARTNERSHIPS FOR WILDLIFE ACT

Mr. MITCHELL. Mr. President, the United States and Canada are inhabited by approximately 2,600 species of native fish and wildlife. Many of these animals provided food, clothing, and other essentials to a rapidly expanding human population during the last 200 years. But currently more than 80 percent of fish and wildlife species in North America are not harvested for human use.

The continued well-being of this once abundant fish and wildlife resource, and even the very existence of many species, is in peril.

In 1987, the U.S. Fish and Wildlife Service reported that 45 common migratory bird species, which are not hunted, had exhibited significant declines in abundance. Not all of these species are in trouble, but 13 experienced widespread, systematic declines of 47 percent during the previous 20 years.

The U.S. Fish and Wildlife Service now has prepared a list totaling 30 migratory bird species that warrant concern because of population declines, small population size, or habitat limitations.

Eleven of these species are found in Maine. They are the common loon, the American bittern, the least bittern, the northern harrier, the red-shouldered hawk, the roseate tern, the black tern, the barn owl, the olive-sided flycatcher, the loggerhead shrike, and the golden-winged warbler.

There also have been nationwide declines documented in the numbers of frogs and other amphibians. These species are critical links in the food chain of this planet.

Over 275 of the fish and wildlife species, and 82 invertebrate species—such as butterflies and mussels—in the United States are officially classified as threatened or endangered by the Federal Government under the Endangered Species Act. In addition, another 951 U.S. invertebrate species are candidates for listing under that act.

During the past decade, fish and wildlife species, including invertebrates, were added to the rapidly growing list of threatened and endangered species in North America at an average rate of over one per month.

Many, if not all, of these species could have escaped this perilous status if there had been programs in place to monitor and conserve them.

Proper management of fish and wildlife, before species become threatened or endangered with extinction, is the key to reversing the increasingly precarious status of fish and wildlife.

Continuing to concentrate attention on only a limited number of species will inevitably lead to the decline of additional types of fish and wildlife until they reach dangerously low levels where they, too, must be protected by the Endangered Species Act. At that point, the task of rebuilding a species' numbers is likely to be far less successful and far more costly.

Scientifically sound fish and wildlife conservation includes not only management of species taken for recreation and protected as endangered and threatened species, but also management of the vast majority of species which fall into neither category.

The American people value the natural diversity of wild animals that they inherited from their ancestors, and they want this natural heritage preserved for future generations.

Three-fourths of all American children and adults participate in wildlife-related recreational activities other than hunting, fishing, and trapping. In 1985, Americans spent over $14 billion on nonconsumptive, wildlife-related recreation.

In Maine, 85 percent of the adult women and men photograph, feed, or simply watch and enjoy wildlife, and they spend nearly $70 million each year doing it.

Partnerships in fish and wildlife conservation, such as the Federal Aid in Wildlife Restoration Program, the Federal Aid in Sport Fish Restoration Program, and the North American Wetlands Conservation Act have benefited greatly the conservation of many types of fish and wildlife and their habitats.

A similar approach is needed to encourage partnerships among Federal and State governments and private entities to carry out projects for the conservation and appreciation of all species of fish and wildlife through management, research, and education.

Maine and many other States, which are experiencing declining revenues, are finding it increasingly difficult to carry out projects to conserve the natural diversity of fish and wildlife species and to provide opportunities for the public to associate with, enjoy, and appreciate fish and wildlife through nonconsumptive activities.

Today, therefore, I am introducing the Partnerships for Wildlife Act to establish a cooperative working relationship among the U.S. Fish and Wildlife Service, the States, and private organizations and individuals.

This legislation builds on the concept of the North American Wetlands Conservation Act, which I introduced 2 years ago. In just 1 year, that law has matched $14 million in Federal appropriations with over $47 million from State, private, and Canadian sources.

The Partnerships for Wildlife Act will encourage similar partnerships to carry out projects to conserve the entire array of diverse fish and wildlife species in the United States which are not receiving much attention and to provide opportunities for the public to enjoy these fish and wildlife species through nonconsumptive activities.

The Partnerships for Wildlife Act will enable State fish and wildlife agencies to respond more fully to their statutory and administrative authorities by carrying out wildlife conservation and appreciation projects, and it will encourage private donations for these projects, under the leadership of the National Fish and Wildlife Foundation.

Under this legislation, any funds appropriated by Congress will have to be matched 1 for 1 by private contributions from the National Fish and Wildlife Foundation, a private, nonprofit organization established by Congress in 1984.

These Federal-private dollars in a newly established wildlife conservation and appreciation fund then would be made available to States on a similar matching basis to carry out wildlife conservation and appreciation projects.

Consequently, an appropriation by Congress of $6.25 million will attract $6.25 million in private funds and $12.5 million in State funds to carry out $25 million in wildlife conservation and appreciation projects.

In Maine, the department of inland fisheries and wildlife department has indicated a need for additional funding to enhance and maintain wildlife diversity by documenting species' status, habitat requirements, and management needs and to safeguard wildlife populations by developing and implementing habitat and species management programs.

The legislation that I am introducing will make it possible for Maine to double the amount of funding for these efforts by matching the amount contributed to the nongame wildlife fund via the chickadee checkoff, up to $500,000, with Federal-private funds from the wildlife conservation and appreciation fund.

The combined moneys will benefit wildlife in Maine such as the box turtle and roseate tern, which have been designated as endangered and threatened, respectively, under the State, but not the Federal, Endangered Species Act. Species of concern in Maine, such as the harlequin duck and New England cottontail rabbit, which are vulnerable to declines in numbers, and species about which too little is known, such as the lynx and upland salamander, also will benefit.

In general, Federal-private matching funds under the Partnerships for Wildlife Act will be available to help any State fish and wildlife agency to: First, inventory fish and wildlife species; sec-

ond, determine and monitor the size, range and distribution of populations of fish and wildlife species; third, identify the extent, condition, and location of the significant habitats of fish and wildlife species; fourth, identify the significant problems that may adversely affect fish and wildlife species and their significant habitats; and fifth, provide opportunities for the public to view and to enjoy fish and wildlife through other similar nonconsumptive activities.

I hope that my colleagues will join me in supporting prompt enactment of this legislation. There are important economic, recreational, and educational reasons to encourage wildlife conservation and appreciation projects through Federal-private-State partnerships, but the most important reason, in my judgment, is that an abundant, diverse and healthy supply of fish and wildlife improves the quality of life for the American people.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1491

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partnerships for Wildlife Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Three-fourths of all American children and adults participate in wildlife-related recreational activities other than hunting, fishing and trapping.

(2) In 1985, Americans spent over $14 billion on non-consumptive wildlife-related recreation.

(3) The United States and Canada are inhabited by approximately 2,600 vertebrate species of native fish and wildlife, which have provided food, clothing, and other essentials to a rapidly expanding human population.

(4) Over 80 percent of verebrate fish and wildlife species in North America are not harvested for human use.

(5) The continued well-being of this once-abundant fish and wildlife resource, and even the very existence of many species, is in peril.

(6) In 1987, the U.S. Fish and Wildlife Service reported that 45 common migratory bird species, which are not hunted, had exhibited significant declines in abundance, and that 13 of these species have experienced widespread, systematic declines of 46.9 percent during a 20-year study period.

(7) There have been nationwide declines in frogs and other amphibians.

(8) Over 275 of vertebrate fish and wildlife species in the United States are now officially classified as threatened or endangered by the Federal Government.

(9) During the past decade, fish and wildlife species, including vertebrates, were added to the rapidly growing list of threatened and endangered species in North America at the average rate of over one per month.

(10) Currently, 82 species of invertebrates in the United States are listed as threatened or endangered under the Endangered Species Act, and another 951 U.S. invertebrate species are candidates for listing under that Act.

(11) Proper management of fish and wildlife, before species become threatened or endangered with extinction, is the key to reversing the increasingly desperate status of fish and wildlife.

(12) Proper fish and wildlife conservation includes not only management of fish and wildlife species taken for recreation and protection of endangered and threatened species, but also management of the vast majority of species which fall into neither category.

(13) Partnerships in fish and wildlife conservation, such as the Federal Aid in Wildlife Restoration Program, the Federal Aid in Sport Fish Restoration Program, and the North American Wetlands Conservation Act have benefited greatly the conservation of fish and wildlife and their habitats.

(14) A program that encourages partnerships among Federal and State governments and private entities to carry out wildlife conservation and appreciation projects would benefit all species of fish and wildlife through such activities as management, research, and interagency coordination.

(15) Many States, which are experiencing declining revenues, are finding it increasingly difficult to carry out projects to conserve the entire array of diverse fish and wildlife species and to provide opportunities for the public to associate with, enjoy, and appreciate fish and wildlife through non-consumptive activities.

SEC. 3. PURPOSES.

The purposes of this Act are to establish a partnership among the United States Fish and Wildlife Service, designated State agencies, and private organizations and individuals—

(1) to carry out wildlife conservation and appreciation projects to conserve the entire array of diverse fish and wildlife species in the United States and to provide opportunities for the public to use and enjoy these fish and wildlife species through non-consumptive activities;

(2) to enable designated State agencies to respond more fully and utilize their statutory and administrative authorities by carrying out wildlife conservation and appreciation projects; and

(3) to encourage private donations, under the leadership of the National Fish and Wildlife Foundation, to carry out wildlife conservation and appreciation projects.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) The terms "conserve" and "conservation" mean to use, and the use of, such methods and procedures which are necessary to ensure, to the maximum extent practicable, the well being and enhancement of fish and wildlife and their habitats for the educational, aesthetic, cultural, recreational, scientific, and ecological enrichment of the public. Such methods and procedures may include, but are not limited to, any activity associated with scientific resources management, such as research, census, law enforcement, habitat acquisition, maintenance, development, information, education, population manipulation, propagation, technical assistance to private landowners, live trapping, and transplantation.

(2) The term "designated State agency" means the State fish and wildlife agency, which shall be construed to mean any department, or any division of any department of another name, of a State that is empowered under its laws to exercise the functions ordinarily exercised by a State fish and wildlife agency.

(3) The term "fish and wildlife" means wild members of the animal kingdom that are in an unconfined state.

(4) The term "Fund" means the Wildlife Conservation and Appreciation Fund established under section 5(f) of this Act.

(5) The term "National Fish and Wildlife Foundation" means the charitable and nonprofit corporation established under section 2 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701).

(6) The term "nonconsumptive activities" means fish and wildlife associated activities other than harvesting of fish and wildlife and includes, but is not limited to, photographing, observing, learning about, or associating with, fish and wildlife.

(7) The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(8) The term "wildlife conservation and appreciation project" means a project which is directed toward nonconsumptive activities or toward the conservation of those species of fish and wildlife that—

(A) are not ordinarily taken for recreation, fur, or food; except that if under applicable State law, any fish and wildlife may be taken for recreation, fur, or food in some but not all, areas of the State, a wildlife conservation and appreciation project may be directed toward the conservation of any of such fish and wildlife within any area of the State in which such taking is not permitted;

(B) are not listed as endangered species or threatened species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543); and (C) are not marine mammals within the meaning of section 3(5) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1362(5)).

SEC. 5. WILDLIFE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary shall provide the amounts available in the Fund to designated State agencies on a matching basis to assist in carrying out wildlife conservation and appreciation projects that are eligible under subsection (b) of this section.

(b) ELIGIBLE PROJECTS.—The following wildlife conservation and appreciation projects shall be eligible for matching funds from the Fund:

(1) inventory of fish and wildlife species;

(2) determination and monitoring of the size, range and distribution of populations of fish and wildlife species;

(3) identification of the extent, condition, and location of the significant habitats of fish and wildlife species;

(4) identification of the significant problems that may adversely affect fish and wildlife species and their significant habitats;

(5) actions to conserve fish and wildlife species and their habitats; and

(6) actions of which the principal purpose is to provide opportunities for the public to use and enjoy fish and wildlife through nonconsumptive activities.

(c) PROJECT STANDARDS.—The Secretary shall not provide funding to carry out an eligible wildlife conservation and appreciation project unless the Secretary determines that such a project—

(1) is planned adequately to accomplish the stated objective or objectives;

(2) utilizes accepted fish and wildlife management principles, sound design and appropriate procedures;

(3) will yield benefits pertinent to the identified need at a level commensurate with project costs;

(4) provides for the tracking of costs and accomplishments related to the project;

(5) provides for monitoring, evaluating, and reporting of the accomplishment of project objectives; and

(6) complies with all applicable Federal environmental laws and regulations.

(d) LIMITATIONS ON FEDERAL PAYMENT.—The amount provided by the Secretary to any designated State agency with respect to any fiscal year to carry out an eligible wildlife conservation and appreciation project under this section—

(1) may not exceed $500,000.00;

(2) may not exceed 50 percent of the total project costs for that fiscal year; and

(3) may not exceed 75 percent of the total project costs for that fiscal year if designated State agencies from two or more States cooperate in implmenting such a project.

(e) FORM OF STATE SHARE.—The share of the cost of carrying out eligible projects under this section shall be from a non-Federal source and shall not be in the form of an in-kind contribution.

(f) ELIGIBILITY OF DESIGNATED STATE AGENCIES.—No designated State agency shall be eligible to receive matching funds from the Wildlife Conservation and Appreciation Fund if such an agency diverts revenue from activities it regulates for any purpose other than the management and conservation of fish and wildlife. Such revenue shall include, but not be limited to, all income from the sale of hunting, fishing and trapping licenses; all income from nongame checkoff systems; all income from the sale of waterfowl, habitat conservation, and other stamps that are requisite for engaging in certain activities regulated by the designated State agency; all income from the sale of any commodities and products by the designated State agency from lands and waters administered by the State for fish and wildlife purposes; and all funds apportioned to the designated State agency under the Federal Aid in Wildlife and Sport Fish Restoration Programs.

(g) ESTABLISHMENT OF FUND.—(1) The Secretary shall establish the Fund, which shall consist of amounts deposited into the Fund by the Secretary under paragraph (2) of this subsection.

(2) The Secretary shall deposit into the Fund—

(A) amounts appropriated to the Secretary for deposit to the Fund; and

(B) amounts received as donations from the National Fish and Wildlife Foundation or other private entities or persons for deposit to the Fund.

(3) The Secretary may accept and use donations from the National Fish and Wildlife Foundation and other private entities or persons for purposes of assisting States under this section.

(4) No amounts from the Fund shall be provided to assist a State in carrying out a wildlife conservation and appreciation project under subsection (a) of this section unless the amount appropriated to the Fund has been matched wholly by a contribution made to the Fund by the National Fish and Wildlife Foundation.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund and to the Secretary for each of fiscal years 1992 through 1995 not to exceed $6,250,000 to match wholly the amount of contributions made to the Fund by the National Fish and Wildlife Foundation.

By Mr. GORE:

S.J. Res. 181. Joint resolution calling on the President of the United States to take a leadership role in the international negotiations toward a World Forest Convention and a Framework Convention on Climate Change, and for other purposes; to the Committee on Foreign Relations.

FOREST AND CLIMATE CHANGE LEGISLATION

• Mr. GORE. Mr. President, I rise to introduce a resolution that calls on President Bush to provide the environmental leadership he has promised. Soon, the nations of the world will meet for the third preparatory committee meeting for the United Nations Conference on Environment and Development. We have now passed a critical point in those meetings; less than a year remains before the conference will take place in Brazil. The conference provides a truly historic opportunity for all of the countries of the world to join together to chart a future for the planet that is bright for our environment as well as for our economies. I am afraid, however, that the critical importance of the meeting is escaping the President.

Many issues are on the UNCED agenda. All of them—oceans and water resources, preservation of biodiversity, and population, for example—require our immediate attention. Two issues, however, climate change and preservation and protection of the world's forests, have moved to the forefront. Agreements on both are to be signed at the conference, and their successful completion is of vital importance to its success. Our negotiators, however, have been standing in the way of progress on these issues.

Mr. President, 2 years ago, at their Paris Summit Meeting, the leaders of the "Group of Seven" major industrialized nations promised decisive action to curb global warming. Now, as the members of the G7 meet again, it is clear that most of them took the pledge they made in Paris seriously. The European Community, Japan, and Canada have all committed to action. In fact, there is only one country that has yet to make good on its promise. It is by now no mystery as to who that lone holdout is—it is, of course, our own country. What is new here, however, is the growing and increasingly pronounced disgust and frustration of the rest of the industrial world with our unwillingness to live up to our pledge.

Exasperated at the complete lack of progress at the first meeting of the Intergovernmental Negotiating Committee on Climate Change that the United States hosted in Chantilly, VA, Germany opened the second round in Geneva with an urgent plea for action—"It would be irresponsible," the German representatives declared, "to have further delays". The situation is "particularly urgent" they said, and the need for action is "extraordinarily great".

The British Government recognizes this. In fact, they apparently were so concerned by the administration's complete intransigence and endless delay tactics that they sent their environment secretary, Mr. Michael Heseltine, in a personal appeal to Mr. Sununu, Mr. Darman and others. Well, by all accounts, that appeal, too, has fallen on deaf ears. Mr. Heseltine wrote a followup letter to Mr. Sununu that has been characterized as unusually tough and personal, and Prime Minister John Major openly criticized the United States in a speech on the environment at which he announced some new initiatives that the British Government will be taking.

Mr. President, this is an intolerable embarrassment. We are the largest single contributor to the problem—the United States is responsible for some 23 percent of global carbon dioxide emissions. As Prime Minister Major pointed out, the European Community—responsible for only some 13 percent of global emissions has committed to action. It is time for the United States to do the same.

And I want to emphasize that, in refusing to hear the call of the British and others, and in failing to take responsibility for our overwhelming contribution to the global warming problem, we are jeopardizing not only successful completion of the Framework Convention on Climate Change, but we are also standing in the way of the completion of an effective and binding agreement to protect the world's forests.

The administration disputes this—and I must admit it is a subtle argument. But, the fact of the matter is that the developing world has made clear that it will not agree to a binding convention on forests unless and until the industrialized countries commit, in the climate change negotiations, to stabilization and to meaningful reductions in greenhouse gas emissions. Their logic is as follows: Just as fossil fuels are the economic lifeblood of industrialized society, the forests are often the economic lifeblood of developing countries. They are therefore reluctant to sign a strong forest agreement unless we are ready to sign an equally strong climate change convention.

So, Mr. President, it is high time we get on with it. While we hedge and retreat from commitment, we further jeopardize our planet's delicate climate balance and, at the same time, we are responsible for allowing the rampant destruction of the forests to continue unabated. Indeed, the destruction is not only continuing but is accelerating. The latest statistics show that—every second—another 1.5 acres of forest is torn or burded down. Thousands

of species are being driven to extinction.

I call on the President to engage himself in these critically important issues. His failure to prioritize these matters is wholely irresponsible and, I would submit, immoral. I urge my colleagues to join me in this resolution, and I urge the President to heed its message.●

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. COHEN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 102, a bill to amend title IV of the Higher Education Act of 1956 to allow resident physicians to defer repayment of title IV student loans while completing accredited resident training programs.

S. 250

At the request of Mr. FORD, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 327

At the request of Mr. BOREN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 327, a bill to amend title 38, United States Code, to require the Secretary of Veterans' Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Illinos [Mr. DIXON] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 471

At the request of Mr. MCCAIN, the names of the Senator from South Dakota [Mr. PRESSLER], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 471, a bill to protect consumers by regulating certain providers of 900 telephone services.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 649

At the request of Mr. BREAUX, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 668

At the request of Mr. MCCAIN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 668, a bill to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian reservations.

S. 685

At the request of Mr. GLENN, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 685, a bill to establish summer residential science academies for talented, economically disadvantaged, minority participants, and for other purposes.

S. 717

At the request of Mr. SYMMS, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 717, a bill to amend title XVIII of the Social Security Act to provide for the exclusion of all rural areas from Medicare payment reductions for the services of new physicians provided in such areas.

S. 765

At the request of Mr. BREAUX, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 844

At the request of Mr. DOMENICI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 844, a bill to provide for the minting and circulation of one dollar coins.

S. 881

At the request of Mr. INOUYE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 881, a bill to amend title VII of the Public Health Service Act to provide educational support for individuals pursuing graduate degrees in social work, and for other purposes.

S. 918

At the request of Mr. PACKWOOD, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 918, a bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers, producers, and importers from the firearms excise tax.

S. 971

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 971, a bill to promote the development of microenterprises in developing countries.

S. 1067

At the request of Mr. LAUTENBERG, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1067, a bill to amend the Urban Mass Transportation Act of 1964 to provide for grants and loans to private nonprofit corporations and associations to be used to pay operating expenses related to new and existing mass transportation services for elderly and handicapped persons.

S. 1111

At the request of Mr. MITCHELL, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1111, a bill to protect the public from health risks from radiation exposure from low-level radioactive waste, and for other purposes.

S. 1147

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1147, a bill to require that the U.S. Government hold certain discussions and report to Congress with respect to the secondary and tertiary boycotts of Israel by Arab nations.

S. 1179

At the request of Mr. JOHNSTON, the names of the Senator from Kentucky [Mr. FORD], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 1179, a bill to stimulate the production of geologic map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1332

At the request of Mr. BAUCUS, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the Medicare Program.

S. 1352

At the request of Mr. DODD, the names of the Senator from California [Mr. CRANSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from Iowa [Mr. HARKIN], the Senator from Delaware [Mr. BIDEN], the Senator from Ohio [Mr. GLENN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1352, a bill to place restrictions on United States assistance for El Salvador.

S. 1377

At the request of Mr. REID, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1377, a bill to amend the Public Health Service Act to expand the scope of the loan repayment programs for research with respect to AIDS to include other biomedical research, and for other purposes.

S. 1423

At the request of Mr. DODD, the name of the Senator from Virginia [Mr.

ROBB] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1471

At the request of Mr. ADAMS, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1471, a bill to amend the Older Americans Act of 1965 to establish an elder rights program, and for other purposes.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 113

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution designating the oak as the national arboreal emblem.

SENATE JOINT RESOLUTION 160

At the request of Mr. KERRY, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. INOUYE, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 161, a joint resolution to authorize the Go For Broke National Veterans Association to establish a memorial to Japanese-American War Veterans in the District of Columbia or its environs, and for other purposes.

SENATE JOINT RESOLUTION 174

At the request of Mr. GRAHAM, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Joint Resolution 174, a joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from North Dakota [Mr. CONRAD], the Senator from Virginia [Mr. WARNER], the Senator from North Dakota [Mr. BURDICK], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE CONCURRENT RESOLUTION 54

At the request of Mr. DODD, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Concurrent Resolution 54, a concurrent resolution expressing the sense of the Congress regarding the provision of medical and humanitarian assistance to Iraqi families and children in greatest need.

SENATE RESOLUTION 82

At the request of Mr. SMITH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 82, a resolution to establish a Select Committee on POW/MIA Affairs.

SENATE RESOLUTION 150

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Resolution 150, a resolution expressing the sense of the Senate urging the President to call on the President of Syria to permit the extradition of fugitive Nazi war criminal Alois Brunner.

AMENDMENTS SUBMITTED

TITLE X PREGNANCY COUNSELING

PACKWOOD AMENDMENT NO. 763

Mr. PACKWOOD proposed an amendment to amendment No. 753 proposed by Mr. CHAFEE to the bill (S. 323) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, as follows:

At the end of the Chafee amendment, No. 753, insert the following:

SEC. . Notwithstanding any other provision in this bill, a requirement of parental notice or consent shall not be applicable in any State in which has held a referendum or initiative before December 1990 concerning the conditions or circumstances under which abortions may be provided to unemancipated minors and such referendum or initiative has been subjected to a popular vote.

NATIONAL VOTER REGISTRATION ACT

DOLE (AND STEVENS) AMENDMENTS NOS. 764 THROUGH 766

(Ordered to lie on the table.)

Mr. DOLE (for himself and Mr. STEVENS) submitted three amendments intended to be proposed by him to the bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

AMENDMENT NO. 764

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Enhancement Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right to vote is a fundamental right;

(2) it is the responsibility of each citizen to exercise that right;

(3) it is the duty of the Federal, State, and local governments to promote the exercise of that right;

(4) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal Office;

(5) such laws and procedures can disproportionately harm voter participation in such elections by members of various groups, including racial minorities;

(6) all citizens of the United States are entitled to be protected from vote fraud and from voter registration lists that contain the names of ineligible or nonexistent voters, which dilute the worth of qualified votes honestly cast; and

(7) all citizens of the United States are entitled to be governed by elected and appointed public officers who are responsible to them and who govern in the public interest without corruption, self-dealing, or favoritism.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase registration of citizens as voters in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to enhance voter participation in elections for Federal office;

(3) to protect the integrity of the electoral process;

(4) to ensure the maintenance of accurate and current official voter registration lists; and

(5) to guarantee to the States, and to their citizens, a republican form of government, including elections conducted free of fraud, and governmental processes conducted free of corruption, self-dealing, or favoritism.

TITLE I—VOTER REGISTRATION ENHANCEMENT

SEC. 101. FEDERAL COORDINATION AND BIENNIAL ASSESSMENT.

The Attorney General—

(1) shall be responsible for coordination of Federal functions under this Act;

(2) shall provide information to the States with respect to State responsibilities under this Act; and

(3) shall, not later than June 30 of each even-numbered year, submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2 calendar years and providing recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act.

SEC. 102. RESPONSIBILITY OF CHIEF STATE ELECTION OFFICIAL.

The chief State election official of each State shall be responsible for coordination of State functions under this title.

SEC. 103. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General—

(1) for making grants under this section for fiscal years 1992, 1993, and 1994, a total of $25,000,000; and

(2) such additional sums as may be necessary for administrative expenses of the Attorney General in carrying out this title.

(b) BLOCK GRANTS.—(1) From the amounts appropriated under subsection (a) for any fiscal year, the Attorney General shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration.

(2) To qualify for a grant under paragraph (1), a State shall match any amount of Federal funds dollar for dollar with State funds for voter registration enhancement activities, including—

(A) providing for voter registration for elections for Federal office at State departments of motor vehicles;

(B) providing for registration by mail for elections for Federal office;

(C) providing for designation of, and the carrying out of, voter registration activities at State-related and (upon agreement with the Federal Government and nongovernmental entities) Federal and appropriate private-sector locations for voter registration for elections for Federal office; and

(D) providing for uniform and nondiscriminatory programs to ensure that official voter registration lists are accurate and current in each State.

(c) ALLOCATION OF GRANTS.—(1) The Attorney General shall by regulation establish criteria for allocation of grants among States based on—

(A) the number of residents of each State;

(B) the percentage of eligible voters in each State not registered to vote; and

(C) other appropriate factors.

(2) In promulgating criteria pursuant to paragraph (1), the Attorney General shall give special consideration to State-sponsored programs designed to improve registration in counties with voter registration percentages significantly lower than that for the State as a whole.

(d) ADMINISTRATIVE REQUIREMENTS.—(1) The Attorney General shall by regulation establish administrative requirements necessary to carry out this section.

(2) To be eligible to receive a grant under this section, a State shall certify that the State—

(A) has in place legislative authority and a plan to implement procedures to promote and facilitate, to an extent and in such manner as the Attorney General may deem adequate to carry out the purposes of this title, voter registration for Federal elections—

(i) in connection with applications for driver's licenses; and

(ii) if the State so elects—

(I) by mail; and

(II) at voter registration centers located conveniently to prospective voter registration applicants;

(B) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(C) agrees that any amount received through a grant under this section for any period will be used to supplement and increase any State, local, or other non-Federal funds that would, in the absence of the grant, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(D) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, grants made to the State under this section.

(3) The Attorney General may not prescribe for a State the manner of compliance with the requirements of this subsection.

(e) REPORTS.—(1) The chief State election official of a State that receives a grant under this section shall submit to the Attorney General annual reports on its activities under this section.

(2) A report required by paragraph (1) shall be in such form and contain such information as the Attorney General, after consultation with chief State election officials, determines to be necessary to—

(A) determine whether grant amounts were expended in accordance with this section;

(B) describe activities under this section; and

(C) provide a record of the progress made toward achieving the purposes for which the block grants were provided.

SEC. 104. DEFINITIONS.

For the purpose of this title—

(1) the term "chief State election official" means, with respect to a State, the officer, employee, or entity with authority, under State law, for election administration in the State;

(2) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(3) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)); and

(4) the term "State" has the meaning stated in section 301(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(12)).

TITLE II—PUBLIC CORRUPTION

SEC. 201. ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

§ 225. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the honest services of an official or employee of the United States or the State, political subdivision, or Indian tribal government shall be fined under this title, imprisoned for not more than 20 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the jurisdiction in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned for not more than 20 years, or both.

"(c) Whoever, being a public official or an official or employee of the United States, a State, a political subdivision of a State, or an Indian tribal government, in a circumstance described in subsection (d) defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the right to have the affairs of the United States, the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title, imprisoned for not more than 20 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(e) Whoever defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title, imprisoned for not more than 20 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States, a State, a political subdivision of a State, or an Indian tribal government, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title, imprisoned for not more than 5 years, or both.

"(g) For the purposes of this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that such person will be so nominated, appointed, or selected;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201(a) and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(4) the term 'under color of official authority' includes any person who represents that such person controls, is an agent of, or otherwise acts on behalf of an official, a public official, or a person who has been selected to be a public official.".

(b) Technical Amendments.—(1) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"225. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 202. FRAUD IN INTERSTATE COMMERCE.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

AMENDMENT NO. 765

Strike section 7.

AMENDMENT NO. 766

Strike section 6.

TITLE X PREGNANCY COUNSELING

HATCH AMENDMENT NO. 767

Mr. KENNEDY (for Mr. HATCH) proposed an amendment to the bill S. 323, supra, as follows:

At the end thereof, add the following:

"Title X of the Public Health Services Act is amended by adding at the end the following new section.

"Section . Notwithstanding any other provision of law, no state may be denied funds under this Act because it requires health care providers to obtain the consent or notification of the parent of a minor before providing any health care service to such minor."

"Such law must be enacted prior to April 1, 1981."

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATION ACT, FISCAL YEAR 1992

MACK AMENDMENT NO. 768

Mr. MACK submitted an amendment intended to be proposed by him to the bill (H.R. 2519) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes; as follows:

Beginning with page 19, line 24, strike all through page 20, line 3.

BUMPERS AMENDMENT NO. 769

Mr. BUMPERS proposed an amendment to the bill H.R. 2519, supra, as follows:

On page 80 strike line 25, and insert the following: "September 30, 1993, of which $1,928,900,000 of the funds appropriated under this heading for a space station shall be available, in lieu of such space station, and in addition to any other amounts appropriated under this heading or any other provision of this Act, as follows—

"(1) to the National Aeronautics and Space Administration—

"(A) $50,000,000 for the Earth observing system;

"(B) $50,000,000 for the national launch system;

"(C) $17,000,000 for aeronautical research and technology;

"(D) $15,000,000 for space automation and telerobotics;

"(2) to the National Science Foundation, $50,000,000; and

"(3) to the Department of Veterans Affairs—

"(A) $378,000,000 for use for veterans' medical care;

"(C) $53,000,000 for use for veterans' medical and prosthetic research and development: and $1,315,900,000 shall be applied to deficit reduction. *Provided*, That no funds appropri-"

LEGISLATIVE BRANCH APPROPRIATIONS ACT, FISCAL YEAR 1992

BYRD (AND OTHERS) AMENDMENT NO. 770

Mr. BYRD (for himself, Mr. STEVENS, Mr. MITCHELL, and Mr. DOLE) proposed an amendment to the bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 8, strike out line 25 and insert in lieu thereof the following:

(b) Subsection (a) shall take effect October 1, 1991.

SEC. 6. (a) The rate of pay for the offices referred to under section 703(a)(2)(B) of the Ethics Reform Act of 1989(5 U.S.C. 5318 note) shall be the rate of pay that would be payable for each such office if the provisions of sections 703(a)(2)(B) and 1101(a)(1)(A) of such Act (5 U.S.C. 5318 note and 5305 note) had not been enacted.

(b) The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 503(1)(B) by striking out "legislative branch officers and employees other than Senators, officers, and employees of the Senate and" and inserting in lieu thereof "Senators and legislative branch officers and employees";

(2) in section 505(1) by inserting "a Senator in," before "a Representative"; and

(3) in section 505(2) by striking out "(A)" through "(B)".

(c) Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

(d) Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is repealed.

(e)(1) Of the funds appropriated under the heading "SENATE" in any appropriations Act or joint resolution making funds available to the Senate before fiscal year 1992, and which (except for the provisions of this paragraph) would remain available until expended, of the remaining balances, $3,040,000, are rescinded.

(2) In addition to funds rescinded under the preceding paragraph, of the funds appropriated under the heading "salaries, officers and employees" under the heading "SENATE" of the Legislative Branch Appropriations Act, 1991, and which (except for the provisions of this paragraph) would remain available until expended, of the remaining balances, $250,000, are rescinded effective on the date of the enactment of this Act.

(f)(1) Except for the provisions of subsection (e)(1), the provisions of this section shall take effect on the date of the enactment of this Act.

(2) The provisions of subsection (e)(1) shall take effect on October 1, 1991.

AMENDMENT NO. 771

Mr. REID proposed four amendments to the bill H.R. 2506, supra, as follows:

REID AMENDMENTS NOS. 771 THROUGH 774

On page 6, line 23 strike "or" and insert "on".

On page 6, line 25, strike "section" and insert "sections".

On page 7, line 1, after "703(a)(2)(B)" and insert the following: "and 1101(a)(1)(A)".

On page 7, beginning with "the first" on line 10, strike all through "on or after" on line 11.

AMENDMENT NO. 772

On page 8, after line 25, add the following":

SEC. 6. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended as follows:

(1) in the material preceding clause (1), delete "payment" and insert in lieu thereof "payment (including reimbursement)";

(2) in clauses (3), (4), (5), (7), (8), and (9), delete "reimbursement to each Senator for":

(3) in the material following clause (9), delete "Reimbursement to a Senator and his employees" and insert in lieu thereof "Payment";

(4) in the material following clause (9), delete "reimbursed" and insert in lieu thereof "paid or reimbursed"; and

(5) in the last sentence, delete "reimbursement" and insert in lieu thereof "payment".

(b) Section 3(f) under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(e)) is amended as follows:

(1) in the first sentence of paragraph (1), delete "shall be reimbursed from the contingent fund of the Senate for the rental payments" and insert in lieu thereof "the contingent fund of the Senate is available for the rental payments (including by way of reimbursement)";

(2) in paragraph (2), delete "reimbursed" and insert in lieu thereof "paid";

(3) in paragraph (3), delete "reimbursement" and insert in lieu thereof "payment"; and

(4) in paragraph (4), delete "reimbursement" and insert in lieu thereof "payment";

(5) in paragraph (5), delete "Reimbursement" and insert in lieu thereof "Payment".

(c) The amendments made by subsections (a) and (b) shall take effect October 1, 1991.

AMENDMENT NO. 773

At the end of the first Committee amendment insert the following:

SEC. . (a) Subject to subsection (b), those employees of the Architect of the Capitol engaged in operating elevators in that part of the United States Capitol Building under the control and jurisdiction of the United States Senate, together with the elevator operating functions performed by such employees, effective October 1, 1991, shall be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate.

(b) The Sergeant at Arms and Doorkeeper of the Senate is authorized to enter into an agreement or other arrangement with the Architect of the Capitol regarding the supervision of such employees.

AMENDMENT NO. 774

On page 8, add after line 25 the following new section:

SEC. 6. (a) Effective October 1, 1991, the jurisdiction and control of the Senate chamber public address system is transferred from the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate. In the case of any employee of the Architect of the Capitol transferred during fiscal year 1992 to the Sergeant at Arms and Doorkeeper of the Senate as an audio operator—

(1) in the case of days of annual leave to the credit of any such employee as of the date such employee is transferred, the Architect of the Capitol is authorized to make payment to each such employee for that annual leave, and no such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation; and

(2) for purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e), (n), and (q) of such section.

(b) The Architect of the Capitol shall provide the maintenance of the Senate chamber public address system until such system is replaced by a combined public address and audio broadcast system.

BROWN AMENDMENT NO. 775

Mr. BROWN proposed an amendment to the bill H.R. 2506, supra, as follows:

On page 6, line 15, strike out "$34,000,000," and insert in lieu thereof "$32,600,000,".

GORTON (AND OTHERS) AMENDMENT NO. 776

Mr. GORTON (for himself, Mr. DOLE, Mr. NICKLES, and Mr. COCHRAN) proposed an amendment to the bill H.R. 2506, supra, as follows:

On page 3, line 1, strike "$69,279,000" and insert "$69,895,000";

On page 3, line 10, strike "$1,796,000" and insert "$2,012,000";

On page 3, line 17, strike "$713,000" and insert "$913,000";

On page 3, line 18, strike "$1,426,000" and insert "$1,826,000";

On page 5, line 4, strike "$1,142,000" and insert "$1,199,100";

On page 5, line 5, strike "$2,284,000" and insert "$2,398,200".

ROCKEFELLER AMENDMENT NO. 777

Mr. ROCKEFELLER proposed an amendment to the bill H.R. 2506, supra, as follows:

At the end of the bill add the following:

SEC. . NATIONAL COMMISSION ON CHILDREN.

For necessary expenses of the National Commission on Children as established by section 9136 of the Omnibus Reconciliation Act of 1987, Public Law 100-203, $200,000 to remain available through December 31, 1992.

WOFFORD AMENDMENT NO. 778

Mr. WOFFORD proposed an amendment to the bill H.R. 2506, supra, as follows:

At the end of the bill add the following:

SEC. . Of the funds appropriated or otherwise made available under the heading "OFFICIAL MAIL COSTS" under the heading "SENATE" in the Legislative Branch Appropriations Act, 1991 and which would remain available until expended, $150,000 of the remaining balances are rescinded: *Provided*, That the amount rescinded by this section shall be deducted from the amount allocated by the Committee on Rules and Administration to the junior Senator from Pennsylvania for mass mail.

REID AMENDMENT NO. 779

Mr. REID proposed an amendment to the bill H.R. 2506, supra, as follows:

On page 44, after line 20 (at the end of section 311), insert the following:

(g) With respect to the House of Representatives, the House of Representatives Child Care Center and other matters relating to child care shall be governed in the manner determined by the House of Representatives, including as provided in House Resolution 21, Ninety-ninth Congress, as enacted into permanent law, and shall be subject to such regulations as the Committee on House Administration of the House of Representatives may prescribe.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that there has been a change in date for 1 of 2 days of hearings that have been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearings is to receive testimony on S. 1351, the Department of Energy Science and Technology Partnership Act.

The hearing that was originally scheduled to take place on Wednesday, July 24, 1991, has now been moved to Wednesday, July 31, 1991. No change has been made in the schedule for the hearing on Thursday, July 25, 1991. Both hearings will take place at 2 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

For further information, please contact Paul Barnett of the committee staff at 202/224-7569.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on July 17, 1991, at 2 p.m., to hold a markup on S. 474, S. 654, S. 758, and S. 759.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 17, 1991, at 11:15 a.m. and 4 p.m., in executive session, for markup of the Department of Defense authorization bill for fiscal years 1992-93.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 17, at 2 p.m. to hold a hearing to report on the African-American summit held in Abidjan, West Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Indian affairs be authorized to meet on July 17, 1991, beginning at 9 a.m., in 485 Russell Senate Office Building, on S. 754, Treatment of Individual Income Derived From Trust Land.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, July 17, at 9:30 a.m., for a hearing on the subject: Progress in reducing and better managing Department of Defense inventories.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 17, 1991 at 2 p.m. to hold a closed markup on the fiscal year 1992 intelligence authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 17, beginning at 9:30 a.m., to conduct a hearing on legislation to reauthorize the Water Pollution Prevention and Control Act, with special emphasis on nonpoint sources of pollution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 17, at 10 a.m., to hold a hearing on the Conventional Forces in Europe [CFE] Treaty, Treaty Doc. 102–8.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., July 17, 1991, to receive testimony on S. 734 and S. 736, legislation relating to oil and gas leasing on the Outer Continental Shelf.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMENDING CYNTHIA W. CURRY

• Mr. GRAHAM. Mr. President, I rise today to commend Cynthia W. Curry of Dade County, for being selected to serve as the first female, black president of the National Forum for Black Public Administrators [NFBPA].

NFBPA is an organization compromised of black public and private managers committed to the pursuit of excellence and the professional development of black managers.

Before her presidency, Ms. Curry served as the first and second vice president of the NFBPA. She was also involved in the development of the organization and has been an active participant and supporter of national programs.

In April 1983, the National Forum for Black Public Administrators convened in Fort Lauderdale, FL, for its first annual conference. Ms. Curry was a member of the first chapter officially chartered by the national organization, which has approximately 45 local chapters and over 300 members.

National Forum for Black Public Administrators is recognized as one of the fastest growing organizations in the country today. With Ms. Curry at the helm, this organization will surely continue its growth and success.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and $6 million below the revenue target over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 15, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through July 11, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 8, 1991, there has been no action that affects the current level of spending and revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., AS OF JULY 11, 1991

[In billions of dollars]

	Revised on-budget aggregates [1]	Current Level [2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−.4
Revenues:			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−.4
Direct loan obligation	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,447.6	−697.4
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; 0.1 billion in budget authority and 0.2 billion in outlays for debt forgiveness for Egypt and Poland; and 0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service appropriations bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS JULY 11, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS Deadline for Desert Storm Troops (H.R. 4, Public Law 102–2)			−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	
Dire emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	
OMB domestic discretionary sequester	−2	−1	
Emergency supplemental for humanitarian assistance (H.R. 2251, Public Law 102–55)	(1)		
Total enacted this session	3,826	1,405	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS JULY 11, 1991—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,799	1,132,014	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	416	382	1

[1] Less than $500,000.

Note.—Numbers may not add due to rounding.•

NATIONAL STUDENT/PARENT MOCK ELECTION

• Mr. HATCH. Mr. President, in 1990, only 36 percent of all eligible citizens bothered to vote, once again, as in 1986, the Nation's lowest voter turnout since 1942. The world's last best hope has the lowest voter participation rate of any of the lowest voter participation rate of any of the world's democracies.

In the 1988 Presidential election, barely 29 percent of all eligible voters ages 18–24 participated. President Bush, in his welcoming remarks to the students and parents participating in the 1990 National Student/Parent Mock Election said, "Today, all too often, the right to vote * * * has been abandoned. * * * Government does not work when the voice of the people is not heard, or is heard faintly."

On October 29, 1992, 5 days before the national elections, millions of young people and their parents, in all 50 states and all around the world, will make their voices heard by participating in the National Student/Parent Mock Election—"the largest voter education project ever" (Time magazine, November 14, 1988).

Three and a half million participated in the 1988 National Student/Parent Mock Election. They met all across the country, and through the Department of Defense dependents schools all around the world, to cast their votes for who would win the national elections and vote their recommendations on key national issues. Ten million watched on national television. One Washington, DC, commentator called it "the most ambitious voter-education project in the world."

Fifty national, civil, religious, and educational organizations cooperate on the National Student/Parent Mock Election. Both the Republicans and Democratic National Committees have endorsed the project.

Time magazine, principal sponsor of the 1988 National Student/Parent Mock Election, plans to participate in 1992. Secretary of Education Lamar Alexander supports the program as well. I am especially pleased that the National Student/Parent Mock Election has added law-related education to its voter education strategies, and I wish to commend the Department of Justice for the support that made it possible.

In addition, five States and five school districts won the 1990 awards for creating outstanding voter education projects to teach the "Fourth R—Responsibility." The awards were given by Congressional Quarterly and the National Association of State Boards of Education and the American Association of School Administrators in conjunction with the National Student/Parent Mock Election.

I would like to congratulate Arkansas Association of School Administrators, Connecticut League of Women Voters, Missouri School Boards Association, New York State School Boards Association, and the Virginia Department of Education. The winning school districts were Palm Beach County, FL; Huntsville Independent School District, TX; the Washington, DC, public schools; Dade County, FL; and the Tucson Unified School District in Arizona.

I once again would like to ask my Senate colleagues to contact their State and local school superintendents in order that as many students as possible participate in the 1992 National Student/Parent Mock Election.•

HONORING 826TH ORDNANCE COMPANY

• Mr. KASTEN. Mr. President, I rise today to honor the outstanding service of the 826th Ordnance Company, based in Madison, WI, in Operation Desert Storm. The 130 members of this Wisconsin-based company helped pass the ammunition that liberated Kuwait from Iraqi aggression—and turned a new and more hopeful page in the history of the region.

The work performed by the troops of the 826th in the sweltering heat of the Saudi desert was essential to our country's victory and they did it because they were men and women of honor who take pride in doing their duty.

For a job well done, I ask my colleagues to join me in sending to the members of the 826th Ordnance Company a heartfelt "thank you" from America.•

TRIBUTE TO ROBERT L. STEELE

• Mr. DODD. Mr. President, I rise to salute Bob Steele, a man who has become a venerable Connecticut institution, and who celebrates his 80th birthday this month. Throughout his 55 years on the airwaves of WTIC Radio in Hartford, Bob's erudite, top-of-the-morning affability has accompanied countless Connecticut residents through our morning routines. He was born in the heartland of Kansas City, MO, but since the day he rode into Hartford on the back of a motorcycle in 1936, Bob Steele has been a native son.

Thanks to Bob, generations of listeners know the definition of the word pugilism, as well as the meanings of many other commonly misused and mispronounced words. During each broadcast, Bob devotes a few moments to instructing his listeners on the proper pronunciation and definition of a word. His "Word for the Day" has become a signature feature of his show, and it's no wonder. Bob's adventures before launching his radio career in Connecticut provided him with plenty of experiences to describe with his extensive vocabulary.

A light- and welter-weight pugilist who fought professionally for a few years as a young man, Bob held a record of 2 wins, 14 losses, and 2 draws. The winds shifted and Bob followed a path of professional versatility: He worked as a restaurateur in California and then as a stuntman in the movies. When Bob's muses finally led him to Connecticut, a successful audition for a position as an announcer with WTIC postponed his return to Los Angeles indefinitely.

Since then, Bob Steele has been as reassuring as clockwork. He continues to teach, entertain, and delight us with the sports predictions, for which he has gained such notoriety. Legend has it that Bob's reputation as a sports forecaster took off when the coach of the Yale football team urged him to go against his hunch and pick the opposing team for a victory in an upcoming game. The reverse magic paid off in a Yale win, and Bob's success at predicting the winners by picking the losers continues to this day.

Bob Steele has put his reputation and charisma to good use on behalf of countless nonprofit organizations and causes through the years. The dramatic success of his appeal for blood donations to the blood bank during World War II continues today in his longstanding outreach on behalf of the Greater Hartford chapter, American Red Cross. Bob's commitment to literacy has expressed itself not only on his radio show, but also in his contribution to the Literacy Volunteers of America, to which he dedicated the Bob Steele Literacy Volunteers Reading Center in Hartford in 1986.

Combining wry humor with honest, straightforward sincerity and charm, Bob Steele has achieved an enduring place in the hearts of his listeners in Connecticut. And why not? After all, every day holds another adventure, as well as another opportunity, to expand the vocabulary and conscience of his millions of loyal friends.•

FEDERAL RECRUITMENT TECHNIQUES

• Mr. STEVENS. Mr. President, for the past couple of years, the Subcommittee

on Federal Services, Post Office, and Civil Service, chaired by Senator DAVID PRYOR, has been looking into the recruitment techniques employed by the Federal Government. At a hearing held on June 19, 1989, testimony was received from four young people who had been frustrated in their efforts to obtain the necessary information on how to apply for Federal employment.

This hearing just happens to have been the first time the Director of the Office of Personnel Management, Constance Berry Newman, testified before Congress in that capacity. She surprised the attendees by sitting through the entire hearing, listening and taking notes on comments and observations made by the witnesses.

When Mrs. Newman was called to testify, she told the chairman that improving the front line, "the people who deal both on the phone and in person with the public," was one of the priorities of her office. I would like to take this opportunity to congratulate Mrs. Newman for following through on that commitment.

The first frontline service showcase seminar specifically designed for Federal agencies serving the public was held here in Washington, DC, on Tuesday, July 16. OPM was assisted in this effort by the U.S. Postal Service, the Departments of the Army, Labor, and Agriculture, the National Park Service, the Social Security Administration, the Bureau of Alcohol, Tobacco and Firearms, and the General Services Administration.

This is the first of many such seminars which are planned throughout the country. It is my hope that Federal agencies will encourage employees to attend these training sessions and return with renewed enthusiasm for improving all aspects of the Federal Government's service to the public.●

CAPTIVE NATIONS WEEK—1991

● Mr. RIEGLE. Mr. President, this week marks the 32d observance of "Captive Nations Week." This annual commemoration allows the people of the free world to show their support for citizens of the captive nations who, at great personal risk and sacrifice, continue to struggle for their human rights.

In the last 2 years, the world has witnessed incredible strides toward freedom. With the opening of the Berlin Wall, the success of democracy movements in Eastern Europe, and free elections in the Soviet Union the citizens of captive nations are finally beginning to experience liberty and the ability to determine their own national future.

A desire for freedom has brought about an unprecedented transformation in the political geography of the world. In Eastern Europe, people took to the streets armed only with the ideals of liberty and justice and overcame years of subjugation. Their courageous protests were instrumental in toppling brutal dictatorships and lifting the Iron Curtain.

But despite these victories, the struggle for democracy and freedom is by no means over.

During more than 50 years of illegal occupation, the Soviet Union has continually tried to eradicate the spirit of freedom which has burned in the hearts of the Baltic people. But they have not been successful. Last year, the Baltic republics of Lithuania, Latvia, and Estonia officially declared the restoration of their independence from the Soviet Union. Tragically, though, this was followed by another attempt to quash the Baltic drive for independence. Just last January, the world witnessed the most recent example of oppression from the Kremlin, when Soviet troops killed 14 people in Lithuania.

Similarly, the courageous fight for freedom in the Ukraine has been long and tragic. From the man-made famine of 1932–33 to the inept handling of the Chernobyl calamity, Ukrainians have suffered decades of harsh Soviet rule. In a historic attempt to break with the devastating past, the Ukrainian Parliament proclaimed the sovereignty of the Republic on July 16, 1990. This courageous act demonstrated the unwavering dedication of the Ukrainian people to overcoming Soviet repression.

The Republics of Armenia, Georgia, and Azerbaijan also remain captive under the Soviets' oppressive rule. In an attempt to solve interethnic tensions in these republics, the Kremlin has intensified rather than alleviated hostilities among local groups by employing a policy of brutal military suppression.

Nevertheless, the deep commitment to democracy by the new governments of Eastern Europe and the changes in the Soviet Union, itself, can only spell hope for those nations still under the shadow of oppression. With the support of the free world and the determination of citizens of captive nations, a time will soon come when all people will be free to decide their own destinies.●

SAN JUAN ISLAND LAND ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 141, H.R. 427, a bill relating to San Juan Island.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 427) to disclaim any interests of the United States in certain lands of San Juan Island, WA, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there is no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 427) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

KOREAN WAR VETERANS REMEMBRANCE WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration to House Joint Resolution 255, a joint resolution to designate the week beginning July 21, 1991, as "Korean War Veterans Remembrance Week" just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 255) designating the week beginning July 21, 1991, as the Korean War Veterans Remembrance Week.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 255) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOHN RICHARD HAYDEL POST OFFICE BUILDING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 998, a post office designation in Louisiana, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 998) to designate the building in Vacherie, LA, which houses the primary operations of the U.S. Postal Service as the "John Richard Haydel Post Office Building."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 998) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CARL O. HYDE GENERAL MAIL FACILITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2347, a mail facility designation in Texas, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2347) to redesignate the Midland General Mail Facility in Midland, TX, as the "Carl O. Hyde General Mail Facility," and for other purposes.

There being no objection, the bill (H.R. 2347) was considered, ordered to a third reading, read the third time, and passed.

Mr. REID. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REIMBURSEMENT OF CERTAIN TRAVEL EXPENSES

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 162, S. 992, regarding certain travel reimbursements.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 992) to provide for the reimbursement of certain travel and relocation expenses under title 5, United States Code, for Jane E. Denne of Henderson, NV.

There being no objection, the bill S. 992 was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of sections 5724 and 5724a of title 5, United States Code, Jane E. Denne of Henderson, Nevada is deemed to be an employee transferred by the Environmental Protection Agency from one official station to another for permanent duty in the interest of the Government without a break in service for travel by such employee from Lawrence, Kansas to Las Vegas, Nevada, in December 1986.

Mr. REID. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m., Thursday, July 18; that following the prayer the Journal of proceedings be deemed approved to date, and that the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein; that during morning business Senator JOHNSTON be recognized for up to 15 minutes, Senator SPECTER be recognized for up to 15 minutes, and Senator GRAHAM of Florida be recognized for up to 10 minutes; that the vote on the motion to invoke cloture on the motion to proceed to S. 250, the motor voter bill, occur at 10 a.m. with the mandatory live quorum having been waived; further, that upon conclusion of the cloture vote the Senate resume consideration of H.R. 2622, the Treasury, Postal Service appropriations bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as under the previous order until 9:15 a.m., Thursday, July 18, 1991.

There being no objection, the Senate, at 10:43 p.m., recessed until Thursday, July 18, 1991, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 1991:

DEPARTMENT OF STATE

RICHARD CLARK BARKLEY, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

DEPARTMENT OF LABOR

MARSHALL JORDAN BREGER, OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE ROBERT P. DAVIS, RESIGNED.

DELBERT LEON SPURLOCK, JR., OF CALIFORNIA, TO BE DEPUTY SECRETARY OF LABOR, VICE RODERICK ALLEN DEARMENT, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 17, 1991:

AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, AND 8373, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. EARL A. ALER, JR. [redacted] AIR FORCE RESERVE.
BRIG. GEN. JOHN H. BURRIS [redacted] AIR FORCE RESERVE.
BRIG. GEN. RODNEY L. LINKOUS [redacted] AIR FORCE RESERVE.
BRIG. GEN. ROBERT A. MCINTOSH [redacted] AIR FORCE RESERVE.
BRIG. GEN. CLARK O. OLANDER [redacted] AIR FORCE RESERVE.
BRIG. GEN. JOHN P. VAN BLOIS [redacted] AIR FORCE RESERVE.

To be brigadier general

COL. WAYNE W. BARKMEIER, [redacted] AIR FORCE RESERVE.
COL. MARCIA F. CLARK, [redacted] AIR FORCE RESERVE.
COL. JOHN J. COSTANZI [redacted] AIR FORCE RESERVE.
COL. LOUIS A. CRIGLER [redacted] AIR FORCE RESERVE.
COL. TERRENCE L. DAKE, [redacted] AIR FORCE RESERVE.
COL. ANDREW P. GROSE, [redacted] AIR FORCE RESERVE.
COL. JAMES W. LUCAS [redacted] AIR FORCE RESERVE.
COL. CHARLES R. LUTHER, [redacted] AIR FORCE RESERVE.
COL. MICHAEL W. MCCARTHY, [redacted] AIR FORCE RESERVE.
COL. JOHN M. MILLER, [redacted] AIR FORCE RESERVE.
COL. SAMUEL P. MITCHELL, JR. [redacted] AIR FORCE RESERVE.
COL. MICHAEL J. PETERS [redacted] AIR FORCE RESERVE.
COL. ROBERT E. PFISTER [redacted] AIR FORCE RESERVE.
COL. TERRY G. WHITNELL, [redacted] AIR FORCE RESERVE.

ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOHN W. FOSS [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. THURMAN D. RODGERS [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. H. NORMAN SCHWARZKOPF [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES R. HALL, JR [redacted] U.S. ARMY.

MARINE CORPS

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be general

LT. GEN. JOSEPH P. HOAR [redacted] UNMC.

THE FOLLOWING NAMED OFFICER, TO BE PLACED ON THE RETIREMENT LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ERNEST T. COOK, JR [redacted] USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. ROYAL N. MOORE, JR. [redacted] USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. HENRY C. STACKPOLE, II [redacted], UNMC.

IN THE AIR FORCE

AIR FORCE NOMINATION OF AURORA T. MALDONALDO, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 15, 1991.

AIR FORCE NOMINATIONS BEGINNING NORMAN ARENDS, AND ENDING TERRANCE J. ROCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 15, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. JOHN W. ANDERSON, [redacted] AND ENDING MAJ. PAUL E. LAVOIE, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 15, 1991.

AIR FORCE NOMINATION OF ROSA L. SANDWELLWEISS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 15, 1991.

AIR FORCE NOMINATIONS BEGINNING RICHARD M ANDERS, AND ENDING SHIRLEY C. CLARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 3, 1991.

AIR FORCE NOMINATIONS BEGINNING FRANK E. CARPENTER, AND ENDING JOHN D. VAIL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. REESE R. ARMSTRONG, [redacted] AND ENDING MAJ. EDMUND D. EFFORT, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1991.

IN THE ARMY

ARMY NOMINATIONS BEGINNING DENNIS J. FRINGELI, AND ENDING*IRWIN B. SIMON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 24, 1991.

ARMY NOMINATIONS BEGINNING MAYNARD K. BEAN, AND ENDING DELORES J. PODHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1991.

IN THE NAVY

NAVY NOMINATIONS BEGINNING JAMES M. CASTLEBERRY, AND ENDING VICKI S. PEARSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 8, 1991.