Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 102d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, September 24, 1991*

The House met at 12 noon.

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

Teach us, O God, to respect the value of every life, to learn to appreciate the story of each person, to celebrate the joy and the opportunities of each day. May we not easily forget the blessings that each of us has received or to be appreciative of the support that others have shown to us. May we see each day as an opportunity to do the works of reconciliation and compassion, of justice and peace, so people will live together without fear or poverty and share in the fullness of life. With gratefulness and thanksgiving, we offer this our prayer. 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.

Mr. ZIMMER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. ZIMMER. 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. 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 287, nays 107, not voting 38, as follows:

[Roll No. 269]

YEAS—287

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Bacchus
Barnard
Barton
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Bruce
Bryant
Bustamante
Campbell (CO)
Carper
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Frank (MA)
Frost
Gaydos
Gejdenson
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Livingston
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McEwen
McGrath
McHugh
McNulty
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Stallings
Stark
Stenholm
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—107

Allard
Armey
Baker
Ballenger
Barrett
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Duncan
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Martin
McCandless
McCrery
McDade
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Paxon
Ramstad
Regula
Rhodes
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Santorum
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—38

AuCoin
Bentley
Boxer
Brown
Byron
Callahan
Cardin
Coyne
Dixon
Dymally
Edwards (OK)
Foglietta
Ford (MI)
Ford (TN)
Gallo
Gephardt
Holloway
Hopkins
Hoyer
Hunter
Hyde
Levine (CA)
Lloyd
Marlenee

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Martinez	Mrazek	Staggers
McMillen (MD)	Ridge	Stokes
Mfume	Sanders	Thomas (WY)
Michel	Saxton	Towns
Morrison	Slaughter (VA)	

□ 1226

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McDERMOTT). Will the gentleman from Indiana [Mr. VISCLOSKY] please come forward and lead the House in the Pledge of Allegiance.

Mr. VISCLOSKY 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. 972. An act to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians.

The message also announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 749. An act to rename and expand the boundaries of the Mound City Group National Monument in Ohio; and

S. Con. Res. 63. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 868.

THE RECESSION IS NOT OVER

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

Mr. SMITH of Florida. Mr. Speaker, while the President was boating and golfing in Maine, his advisers told us that as soon as he got back to work, he was going to dive into domestic affairs and show us that he cares about the same issues Americans care about. Well, he got back 3 weeks ago and we are still waiting.

Yesterday at the United Nations, the President was still speaking on his favorite topic, the New World Order. Meanwhile outside the rarified hall of the United Nations, America is out of work, underinsured, and losing the battle for competitiveness.

On Sunday, the President's Budget Director Darman claimed the recession was over and the 9 million unemployed Americans do not constitute an emergency. He reiterated the President's determination to veto the Democratic attempt to help American workers.

Mr. Speaker, as the famous poet Yogi Berra said, "It ain't over till it's over and until the fat lady sings."

Mr. President, we have scanned the horizon. We do not see the fat lady. "It ain't over." There is still a recession. We need help for American workers now. Do not veto the unemployment package. Please, make sure that when you think about the considerations that you are going to choose as priorities, American workers are priority No. 1, getting rid of the recession is your goal.

□ 1230

IN SUPPORT OF S. 363, MORRISTOWN NATIONAL HISTORICAL PARK EXPANSION ACT

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

Mr. ZIMMER. Mr. Speaker, I rise in support of S. 363 which would expand the Morristown National Historical Park, our country's first national historical park. This bill, which is on today's agenda, is the Senate counterpart of H.R. 2035 which I introduced in the House.

The Morristown National Historical Park is the site of the Continental Army's encampment during the long hard winter of 1777 and again in the winter of 1779. The property is environmentally sensitive as well as historically sensitive. Primrose Brook, whose pristine waters once supplied George Washington's troops, flows through the property and feeds the sensitive wetlands of the Great Swamp, a national wildlife refuge.

Passage of this bill will ensure that we preserve this tract of land for the enjoyment of residents in New Jersey and for all Americans who treasures our Nation's heritage.

THE RECESSION IS NOT OVER

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

Mr. TORRICELLI. Mr. Speaker, in July Secretary Brady said it was no big deal. He was talking about the recession. But to 1.2 million Americans who have exhausted their unemployment benefits after 26 weeks, it is a very big deal. That is 600,000 more people than just 2 years ago, and the numbers are mounting.

In July, after the administration claimed that the recession had ended, 318,000 people exhausted their benefits, a historic high. And yet, yesterday OMB Director Darman claimed the recession had ended.

It is time to deal with reality, time to deal with the truth. The recession is deep, and to the American family it is dangerous.

It is time for George Bush to come home, deal with the realities of the economy and to help get an extension of unemployment benefits to save the American family.

BEST WISHES TO GEORGE RUSSELL FOR A SPEEDY RECOVERY

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

Mr. BROOMFIELD. Mr. Speaker, I was distressed to find out yesterday that our good friend, George Russell, suffered a heart attack last Wednesday.

For 17 years George has been with us in this House, on the dais, as we have discussed the great issues of the day. He has played an important role in putting together the massive CONGRESSIONAL RECORD, a feat which has been likened to publishing Tolstoy's War and Peace" every day we're in session.

I am told that George is still in a coma but that his vital signs are good, that he is off the respirator and breathing on his own.

George is being treated in Bon Secours Hospital in Baltimore. I know that my colleagues will join me in extending our prayers and best wishes to George for a speedy recovery, and expressing the hope that he will be able to rejoin us on the floor real soon.

NEW JOBS FOR WHO?

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

Mr. VISCLOSKY. Mr. Speaker, I guess I owe the President of the United States an apology. On August 19, 1988, in his acceptance speech in New Orleans, the President said, "My mission is 30 in 8: 30 million jobs in the next 8 years."

I thought those were going to be American jobs. But in looking at gross national product figures, apparently they were in France, whose GNP has grown 6 times more than the GNP of the United States since George Bush's election; or Italy, whose GNP is now 6 times higher than when George Bush was elected; or Holland, which is 8 times more than the United States in terms of growth; or Germany, whose GNP has grown 11 times more than the United States' GNP since the President's election; or Japan, who is now 16 times more in terms of growth since January 8, 1989.

I certainly know that those new promised jobs did not occur in Lake and Porter Counties because there are now 4,932 people who were working when George Bush became President who are now looking for work.

JTPA PROGRAM GOOD FOR SMALL BUSINESS

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

Mr. IRELAND. Mr. Speaker, I want to encourage the House Education and Labor Committee to keep small businesses in mind as it marks up the Job Training Partnership Act reform amendments.

Since small businesses provide 67 percent of first jobs for American workers, assistance with the time and expense of employee training is a valuable benefit to our Nation's small businesses.

As proposed, the bill would place emphasis on providing services to our neediest clients; namely economically disadvantaged adults and youth. In addition, it would retain the focus of the program on performance standards, while bolstering the training and education components.

Education deficiencies plague our American students. Clearly this does not bode well for the small business owners faced with the prospect of hiring them. The JTPA Program must be responsive to both individuals in need of training and small businesses. The program is essential to job growth in our country.

My colleagues, the Band-Aid approach of extending benefits without helping job growth is a cruel solution to the problems of the unemployed. In matters of economic growth it is easy to say that you are all for small business, but it is how you vote that counts.

EXCESSIVE DRUG COMPANY PROFITS

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

Mr. KENNEDY. Mr. Speaker, a report released today by the Aging Committee of the other body revealed that prescription drug prices in the United States have increased by 150 percent in the 1980's, nearly three times the rate of inflation. My goodness, we have a committee that figured that out. All you have to do is go down to your local drugstore and buy a bottle of aspirin for three times what it costs to buy cocaine, and then we in the Congress have figured out that prescription drug costs have gone up.

Last year the top 10 drug companies had average profits of over 15 percent in a recession, while the Fortune 500 firms averaged less than 5 percent.

It would be one thing if these profits were being used for real research and development. But the truth is that drug companies are spending more on advertising then they are on research, and some of what they call research is really advertising in the form of expense-paid trips for doctors and their wives at fancy resorts and payoffs to encourage physicians to prescribe prescription drugs.

And with the money they spend on research, where are the breakthroughs and where are the cures? In the 1950's miracle vaccines were developed which eliminated polio, measles, smallpox, and other diseases. The new drugs that they have introduced over the last decade are geared toward maintaining the health and controlling the health problems, not curing them.

The reason for this is clear. Drug companies have financial incentives to develop maintenance drugs which require people to fill prescriptions month after month rather than develop cures which stop disease with one dosage.

It is time that we have a health care industry that provides cures, not cash.

HAS THE HOUSE INTELLIGENCE COMMITTEE BEEN THE VICTIM OF A LEAK?

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

Mr. DELAY. Mr. Speaker, a recent report in the New York Times states that a staff aide to former Speaker Jim Wright admits to having been given classified information from a member of the House Intelligence Committee.

If this report is true, we may have had a serious breach of secrecy in the Intelligence Committee.

This report is particularly disturbing because the issue involved is an allegation of House staffers and Members aiding the Communist government of Nicaragua.

I believe both the Intelligence Committee and the Ethics Committee should look into this charge.

I am not a member of either committee, but I know we simply cannot have a situation in which Intelligence Committee members leak classified information.

THE RECESSION IS NOT OVER

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

Mr. TRAFICANT. Mr. Speaker, the National Association of Business Economists says that the recession is over. Now this august body arrived at that decision even though unemployment is our biggest employer. Banks are merging to avoid submerging and bankruptcies are at an all time high. Even cash-rich insurance companies are going broke.

But they say, hey, other than that, everything is OK.

Folks, with experts like this, it is no wonder that the savings and loans have turned into savings and moans.

□ 1240

I think folks, we should really consider this group's advice and realize that last year they said Elvis Presley was still alive and was working for a 7-Eleven in Long Beach.

THE SERBIAN WAR AGAINST CROATIA

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

Mr. DANNEMEYER. Mr. Speaker, for the first time since 1945, war has broken out in Europe. While five of the six republics that once comprised Yugoslavia are moving at varying speeds toward independence, democracy, and a market economy, the Communist party still retains control of Serbia. Fearing the winds of peaceful change might eventually sweep the Serbian Communists away, Serbian President Slobodan Milosevic has fanned the flames of ethnic hatred and promoted war in an attempt to retain power.

In 1990, Milosevic launched a brutal campaign of violent oppression against the 90 percent Albanian Kosovo province. This year after pro-Western governments gained power during free elections in Slovenia and Croatia, Milosevic agitated the Serbian minority in Croatia and organized armed insurgents. Since Croatia declared independence, Serbian militia and remnants of the Yugoslavian army have seized more than one-third of Croatia, killing more than 400 Croatians and driving more than 100,000 Croatians from their homes.

Although the leaders of the European Community have unsuccessfully attempted to organize a cease-fire and begin peace negotiations, President Bush has remained strangely silent during the Balkan crisis. Time is running out; Serbian aggression could easily spread throughout the Balkans. The United States along with its European allies should act now to prevent a wider conflagration.

Specifically, I urge the Bush administration to:

First, recognize the independence of Slovenia and Croatia. Yugoslavia, as a single country, is dead.

Second, organize a United Nations economic blockade of Serbia until the Serbian Government withdraws all of the armed force under its control out of Croatia and recognizes Croatian independence. Serbia is a landlocked, import-dependent country; without foreign assistance, Serbia cannot wage war for long.

Third, integrate Slovenia and Croatia along with other new Eastern European democracies into the structure of NATO and the European Community.

WHO IS THE VANQUISHED, WHO IS THE VICTOR?

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

Mr. KOSTMAYER. Mr. Speaker, the Iraqis want to impose four conditions on U.N. inspection teams looking for nuclear weapons in that country: First, no aerial photography; second, no flights to western Iraq; third, a 2-week time limit; and fourth, Iraqi officials must be present on all flights.

All of these are unacceptable and President Bush would be well within the bounds of the U.N. resolution to join with our allies in sending United States warplanes to Iraq to accompany inspection helicopters and teams.

To allow Saddam Hussein to delay or deter the allied search for nuclear weapons is to ask him to one day use them.

To delay further is to ask, "Who Is the Vanquished, Who Is the Victor?"

THE ARRIVAL OF PROTIMBER ACTIVISTS

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

Mr. CHANDLER. Mr. Speaker, hundreds of Americans from timber-dependent communities are here this week to tell Congress their side of the story.

These are the frontline people. They are hard working Americans from small timber towns in Washington, Oregon, Idaho, and northern California trying to understand why their way of life has been singled out for destruction.

Mr. Speaker, let us be clear about the message that these working-tax paying Americans bring to our Nation's capital.

We are not seeking permission to cut every last tree, or drive species into extinction.

We are advocating a balanced, commonsense approach, that protects the environment and preserves a way of life that has been in existence since the first families settled in the Pacific Northwest.

Please remember the faces and the names of these people when legislation comes before you advocating Congress lock up our valuable natural resources.

Remember these people because, Mr. Speaker; it is their jobs that will be lost, their homes that will have to be sold, and their communities that will forever be changed by such misguided policies.

A list of participating groups follows:

PARTICIPATING GROUPS

Adirondack Cultural Foundation.
Adirondack Blue Line Confederation.
Alaska Miners Association.
American Environmental Foundation.
American Farm Bureau Federation.
American Forest Council.
American Forest Resource Alliance.
American Loggers Solidarity.
American Mining Congress.
American Pulpwood Association.
American Sheep Industry.
American Shrimp Processors Association.
Association of Western Pulp & Paper Workers—Local #3.
Associated Oregon Loggers.
Blue Ribbon Coalition.
California Forestry Association.
California Woolgrowers.
Citizen's Natural Resource Group.
Citizens Council of the Adirondacks.
Citizens for Land Rights.
Citizens Forum for Truth and Progress.
Coastal Concerned Association.
Columbia Gorge United.
Columia River Plywood Co-Op Association.
Communities First.
Communities for a Great Northwest.
Communities for a Great Oregon.
Concerned Shrimpers of America.
Concerned Shrimpers of Texas.
Douglas Timber Operators.
Eastern Oregon Mining Association.
Fairness to Landowners Committee.
Gorge Resource Coalition.
Grassroots for Multiple Use.
Helicopter Logging Association.
Horse Council of Oregon.
Illinois Valley Resources Coalition.
Illinois Valley Timber Coalition.
Klamath Alliance for Resources and Environment.
Land Improvement Contractors of America.
Log Truckers Conference.
Louisiana Forestry Association.
Louisiana Shrimp Association.
Maine Constitutional Rights Institute.
Molalla Timber Action Committee.
Multiple Use Land Alliance.
National Cattleman's Association.
National Forest Products Association.
National Hardwood Lumber Association.
National Inholders.
National Trappers Association.
Nehalem Valley Timber Coalition.
New Hampshire Landowners Alliance.
North American Wholesale Lumber Association.
North Olympic Timber Action Committee.
Northwest Forest Resource Council.
Northwest Forestry Association.
Northwest Independent Forest Manufacturers.
Northwest Legal Foundation.
Northwest Timber Workers Resource Council.
Oregon Forest Products Transportation Association.
Oregon Cattlemen's Association.
Oregon Cattlewomen.
Oregon Farm Bureau Federation.
Oregon Forest Industries Council.
Oregon Fur Takers.
Oregon Lands Coalition.
Oregon Off-Highway Vehicle Association.
Oregon Project.
Oregon Seed Council.
Oregon Sheepgrowers.
Oregon Women for Agriculture.
Oregon Women for Timber.
Oregonians for Food and Shelter.
Oregonians in Action.
Organization of Louisiana Fishermen.
Pennsylvania Forest Industry Association.
Pennsylvania Land Owners Association.
Property Rights Alliance.
Property Rights of Congress of America.
Protecting Industries Now Endangered.
Public Land Users Coalition.
Public Land Users Society.
Public Lands Council.
Putting People First.
Ranchers and Farmers United for Private Property Rights.
Save Our Industries and Land.
Save Our Sawmills.
Seafood Producers and Processors of the Upper Texas Coast.
Siuslaw Timber Operators.
Southern Oregon Alliance for Resources.
Southern Oregon Resources Alliance.
Southern Oregon Timber Industries Association.
Southwest Louisiana Fishermen's Association.
Sensibly Managing All Resources Together.
Stop! Think! Organize! Prevail!
Terrebonne Fishermen's Organization.
Third Force for Forestry.
Timber Employees for Responsible Solutions.
Timber Resources Equal Economic Stability.
United Conservation Alliance.
United Property Owners.
United Paperworkers International Union—Local #1189.
Voters for Oregon Timber Resources.
Wallowa County Cattlewomen.
Wallowa County Stockgrowers.
Washington Agriculture Export Alliance.
Washington Citizens for World Trade.
Washington Commercial Forest Action Committee.
Washington Contract Loggers Association.
Washington Women in Timber.
Water for Life.
West Oregon Timber Supporters.
West Valley Citizens for Timber.
Western Forest Industries Association.
Western Wood Products Association.
Wetlands Property Rights.
Wildlife Legislative Fund of America.
Willamette Forestry Council.
Wind River Multiple Use Advocates.
Women For Multiple Use of Our Resources.
Women Involved in Farm Economics.
Wood Industry Seeks Equality.
Workers of Oregon Development.
Wyoming Public Lands Council.
Yellow Ribbon Coalition.

VETERANS DO NOT WANT TO HEAR POLITICAL PROMISES

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

Mr. APPLEGATE. Mr. Speaker, Comdr. Dominic de Francesco of the American Legion addressed the Committee on Veterans' Affairs this morning giving the annual report for the American Legion for the coming year.

What he said was that he talked about the shortfalls in funding for America's 28 million American veterans and their families, shortfalls in medical, in prescription drugs, nursing homes, and in educational programs, and many more.

Mr. Speaker, he was right. Veterans' benefits have been cut over the last 10 years. And why? Because they say we have to balance the budget. Well, that is the equivalent of buffalo chips.

I will say this, that nothing has happened as far as balancing the budget. There are a lot of places to cut, but not with America's fighting men and women.

There are political promises. Veterans do not want to hear political promises at election time. It is not enough, my friends, and I say to the veterans with their 28 million strong and their families to get moving at election time. If you want to get something done, use your political prowess. That is the way to do it.

REACH OUT AND TOUCH A COMMIE?

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

Mr. LIVINGSTON. Mr. Speaker, former Central Intelligence Agency officer Alan Fiers recently testified before the Senate Intelligence Committee. He was asked if there was any truth to a newspaper report about conversations between certain Members of Congress and staff aides of the House and the Communist Government of Nicaragua in the 1980's.

Mr. Fiers reported that there was truth to those reports.

Mr. Speaker, we must investigate Mr. Fiers' claim. The reputation of this institution is at stake. If, indeed, Members of the House or their staffs were aiding and abetting the brutal Communist dictatorship in Nicaragua, helping it to circumvent administration moves to help Nicaraguan freedom fighters, then we should know about it. The American people should know about it as well.

Mr. Speaker, I have heard the telephone adage "Reach out and touch someone." But I never thought that it meant touching Communist thugs hell-bent on enslaving the people of Central America.

I certainly hope that this was not the case. I would not have believed for one moment that Congressmen would do such things, but we will never know if we cover up the truth.

Mr. Speaker, this matter is a matter that deserves investigation. Let us make public the transcripts, if in fact there are any, of such conversations.

[From the New York Times, Sept. 15, 1991]

INTELLIGENCE MATERIAL ON SANDINISTAS IS SAID TO HAVE INVOLVED LAWMAKERS

(By David Johnston and Michael Wines)

WASHINGTON.—During most of the 1980's, as the Reagan Administration monitored the communications of the Sandinista Government of Nicaragua, it intercepted and recorded numerous private discussions involving Congressional opponents of the Nicaraguan rebels in an unanticipated part of the secret intelligence operation, former Administration and intelligence officials said.

In one case, a former Congressman said this week that he believed material collected was used in an attempt to intimidate him. Michael D. Barnes, who was a Democratic Representative of Maryland, said William J. Casey, the Director of Central Intelligence, confronted him privately in late 1985 and tried to threaten him so he would mute his opposition to military assistance to the program. Mr. Barnes says Mr. Casey failed.

There is no indication that the information was improperly collected. But its eventual use by the Reagan Administration may raise questions about whether officials complied with real restrictions—adopted after the disclosures in the 1970's about Government spying on American citizens—that forbid using intelligence for political purposes.

The eavesdropping program, which remains a tightly guarded secret, was aimed at the Sandinista Government. But incidentally it generated detailed information about discussions between Nicaraguan leaders and Congressional officials who opposed President Ronald Reagan's policies in Central America. Most were Democrats or staff members of Democrats.

Several former officials of the Reagan Administration asserted that the Government monitored meetings and telephone calls between Sandinistas and members of Congress or their aides. But in interviews, other intelligence officials were willing to verify only that the Government intercepted communications of Sandinista officials discussing among themselves their private contacts with Congressional officials.

At one point some Administration officials proposed that members of Congress or their aides be prosecuted, former Administration officials said. Intelligence officers who supported the Administration's policies considered the conversations with the Sandinistas to be damaging breaches of national security, if not treasonous. But the prosecution idea was not pursued.

UNAWARE OF MONITORING

Former Reagan Administration officials said the lawmakers included Mr. Barnes, David E. Bonior of Michigan, now the third-ranking Democrat in the House, and Jim Wright of Texas, the former House Speaker. Until he resigned in 1989 over accusations about his financial dealings, Mr. Wright was deeply involved in trying to mediate regional peace negotiations in Central America.

In interviews this week, all three men said they had discussions with Sandinista officials, but Mr. Bonior and Mr. Wright said they were unaware that their conversations might have been monitored.

Mr. Barnes was a leading opponent of aiding the contras and then chairman of a House Foreign Affairs subcommittee on Central America. In an interview, he said Mr. Casey told him late in 1985 that the Central Intelligence Agency had obtained communication between the Nicaraguan Embassy and the Foreign Ministry in Managua. The communication outlined a conversation between Victor C. Johnson, the staff director of Mr. Barnes' subcommittee, and representatives of the Sandinista government.

Mr. Barnes testified briefly about this incident during Oliver L. North's criminal trial in 1989. He insists that Mr. Johnson had not divulged any classified information. Mr. Barnes said he considered Mr. Casey's approach to be a threat intended to mute his opposition to the Administration's contra policy.

CONCERN IN ADMINISTRATION

"I felt at the time that it was an improper usage of foreign intelligence to intimidate members of Congress and their staffs from fulfilling their responsibilities," he said in an interview this week.

But within the Reagan Administration the intelligence material produced a far different reaction. Former Administration officials said they were sometimes stunned by the intelligence reports. These officials said they became seriously concerned that lawmakers or their staff members were advising the Sandinistas to adopt specific diplomatic and military tactics to help the Congressmen defeat Administration proposals to provide the contras with military aid.

These accusations intensified in 1987 and 1988 when lawmakers like Mr. Wright became directly involved in meetings with contra and Sandinista leaders.

But the lawmakers said their discussions with Sandinista representatives were always cautious. Usually, they said, the conversations centered on how the Sandinistas could enhance their standing in Congress by improving human rights, holding free elections and ending repressive measures against the political opposition.

AIDE'S NAME IN REPORT

After reviewing the data, one Reagan Administration official said there were discussions about the possibility of revoking the security clearances of several Congressional officials. At one point in late 1987 and early 1988 there were discussions within the National Security Council over whether to prosecute Mr. Wright or his aides under the Logan Act of 1799.

The law bars American citizens from dealing directly with a foreign government on matters involving a controversy with the United States. A decision was made against referring the matter to the Justice Department, officials said.

Some members of the Congressional intelligence committees also had access to the intelligence data. In early 1988, Wilson Morris, one of Mr. Wright's chief aides, was approached by a Democratic member of the House intelligence committee, who told him that his name had appeared in a classified report, Mr. Morris said in an interview this week.

Mr. Morris declined to identify the lawmaker but said he regarded the discussion as purely informational. Mr. Morris said he did not remember telling Mr. Wright about the incident.

MET WITH SANDINISTA LAWYER

Mr. Morris said he held a number of meetings and telephone conversations with contra and Sandinista representatives in 1987 and 1988. Among them was Paul S. Reichler, a Washington lawyer who represented the Sandinista Government. Mr. Morris's conversations with Mr. Reichler were among those monitored by intelligence agencies, the former Reagan administration official said.

Mr. Bonior, a vocal leader in opposing contra aid, said he suspected at times that his conversations might be overheard, but was never told his telephone calls or private meetings with Sandinista leaders had been monitored. Reports collected on Mr. Bonior's activities included meetings he held in 1986 and 1987 with Carlos Tunnerman, the Nicaraguan Ambassador to the United States, officials said.

Mr. Bonior said he remembered meeting with the Ambassador several times. The meetings usually took place at the Nicaraguan Embassy because Mr. Tunnerman did not speak English well and preferred to discuss political matters in person with his translators present.

This suggested that intelligence agencies may have monitored conversations inside the Nicaraguan Embassy, not just telephone calls and cables. Members of Congress and others might rightly assume that their telephone conversations with the Nicaraguan Embassy were being monitored at that time. But few would have suspected that their conversations within the Embassy could be overheard.

ECHO OF FAMILIAR THEME

Present and former officials who were willing to discuss the intelligence operation are in some cases the same ones who have tried to justify their actions in the Iran-contra affair by saying they simply could not trust the Congress to keep details of the Iran arms sales and contra support program secret. These assertions were a constant theme during the House and Senate investigation of the Iran-contra affair in 1987, and some former intelligence officials under scrutiny in the Iran-contra prosecution are expected to make the same case.

At Mr. North's trial, for example, defense lawyers asserted that the former National Security Council aide concealed his activities from Congress largely because Mr. North did not trust the lawmakers. The intelligence information, these officials say, supports that view.

This comes as Lawrence E. Walsh, the Iran-contra independent prosecutor is investigating former senior intelligence officials for concealing from Congress their knowledge of the secret arms supply network Mr. North and his associates set up after Congress cut off military aid to the contras in 1984.

Last week, Clair E. George, the chief of the agency's clandestine service, was indicted for perjury, false statements and obstructing Congressional inquiries into the affair. Some officials are now trying to explain his actions by saying Mr. George knew of the monitoring operation as did Alan D. Fiers Jr., the former head of the C.I.A.'s Central America task force, who in July pleaded guilty to withholding information from Congress.

Mr. Fiers is a scheduled witness in Robert M. Gates' confirmation hearings next week as Mr. Bush's nominee for director of Central Intelligence.

Mr. Fiers declined to discuss the matter. But his lawyer, Stanley S. Arkin, said, "I am confident that Mr. Fiers will answer any question put to him at the Senate Committee hearings in a full and forthright manner and consistent with this obligation under the laws regarding classified intelligence."

It is unclear how extensively the information was circulated within the Administration. But some officials at the National Security Council, the State Department and the Pentagon were aware of it. The collection effort involved the Central Intelligence Agency, the National Security Agency and the Federal Bureau of Investigation, officials said. Spokesmen for the agencies declined to comment.

Under regulations that govern electronic monitoring, intelligence agencies are prohibited from targeting United States citizens without obtaining a warrant from a special court. But they are permitted to collect information about Americans without a warrant if it is incidental to surveillance efforts directed at foreign governments.

But the agencies may only disseminate information about Americans if it is essential to understanding the intelligence or suggests that a crime may have been committed.

"There's no question that any kind of political use of any of this information is improper, if not illegal," said Gary M. Stern, legislative counsel at the American Civil Liberties Union's project on national security.

AU CLAIR SCHOOLS: HOPE FOR THE DISADVANTAGED

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

Mr. STEARNS. Mr. Speaker, unborn babies are the most innocent and vulnerable victims of drugs. It is estimated that 375,000 babies are born every year with alcohol, cocaine, or some other drug already in their systems. They are at a severe disadvantage from the day they are born through no fault of their own.

However, there is an alternative for these children in my district. The Au Clair school program, located in Lake County, FL, provides unique and effective services for children with behavior problems. The Au Clair program has two campuses in Florida and one in Delaware.

In August, I had the opportunity to tour the Lake County facility in Florida, and I was impressed with the unique environment provided. The administration and faculty of the Au Clair program should be commended for offering a way to help give an advantage to the disadvantaged, to give hope to the helpless, to give love to the unloved.

Mr. Speaker, the Au Clair program provides America with a point of light that shines brightly with hope, encouragement, and love.

IT IS TIME FOR TRANSPORTATION FAIRNESS

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

Mr. GOSS. Mr. Speaker, it is like Robin Hood, only we have reversed the plot, and it is not a movie. Instead of robbing the rich and giving to the poor, the formula for disbursing Federal transportation dollars has been more like stealing funds from the progressive States who need the most and rerouting them to the pork barrel.

My constituents, generous as they are, are tiring of the practice of getting only 80 cents or less on every dollar they send to Washington for transportation purposes. I and many others now think the time has come for a fairer way to distribute our transportation dollars.

The FAST substitute to the transportation bill sponsored by our colleagues, the gentleman from Florida [Mr. BENNETT] and the gentleman from California [Mr. DREIER] is a better way not only for Florida but for other States that have exported billions of tax dollars over many years to finance bridges and roads in other States.

The existing formula has been blind to the commonsense conclusion that as States confront record growth they obviously need more, not less, of their own transportation funds. Even Robin Hood understood this.

□ 1250

SADDAM HUSSEIN AND SUFFERING IRAQI CHILDREN

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

Mr. PENNY. Mr. Speaker, the recent events in Iraq once again illustrate Saddam Hussein's continued defiance of U.N. resolutions. First, he interferes with U.N. inspectors looking for weapons of mass destruction, and second, he rejects a United Nations offer to allow the sale of Iraqi oil—an offer which would raise money for food and medicine to help thousands of Iraqi children dying from disease and starvation.

The sad truth is that these two actions go hand in hand, and should not come as a surprise to anyone familiar with Saddam Hussein. The question is how to respond?

President Bush hints he may send military helicopters and warplanes to enforce the inspection process, and already, the Iraqis are hinting they will now cooperate with U.N. inspectors. It may be more difficult, however, to get humanitarian aid to the suffering Iraqi children.

By rejecting the United Nations offer to allow the sale of oil, Saddam Hussein seems intent on starving his own citizens. If he refuses to cooperate, then we need to consider other ways of providing food and medical relief.

Last June, I introduced House Concurrent Resolution 168, which calls for the partial release of frozen Iraqi assets to pay for humanitarian aid only. I think the Bush administration should take a hard look at this alternate approach. Under Resolution 168, money could be directly transferred to the United Nations and relief agencies without any Iraqi involvement.

It's time we bypass a belligerent Saddam Hussein and take steps to end the needless suffering of thousands of Iraqi children.

DID AMERICAN CONGRESSMEN AID A COMMUNIST DICTATORSHIP?

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

Mr. EDWARDS of Oklahoma. Mr. Speaker, recent accusations in the press have created a situation unprecedented in my time as a House Member.

A report in the New York Times refers to the Central Intelligence Agency

intercepting and recording conversations between Members of the House and the Communist government of Nicaragua during the 1980's.

It is further reported that CIA officials believe lawmakers and their staffs were aiding the Nicaraguan Communist regime in trying to defeat administration proposals before the Congress.

One of those Members, no longer in the Congress, has suggested that former CIA Director William Casey tried to intimidate the Member.

Mr. Speaker, nothing less than full disclosure of the entire question will suffice.

What, if anything, did our colleagues say to the Communists and when did they say it? What kind of CIA intimidation, if any, went on?

I call upon the Speaker to begin an immediate investigation into all aspects of these charges.

CONGRESSIONAL LEAKS

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

Mr. ROHRABACHER. Mr. Speaker, time and again we have heard wailing from the other side of the aisle about those people who supposedly misled Congress during the Nicaraguan freedom fighter effort back in the 1980's.

Well, could that possibly have been because Congress was leaking information to America's enemies like a spaghetti strainer?

We need to know the information behind this and the facts behind these allegations. Is it possible that Members of this body were giving information to America's enemies and Communist leaders of Nicaragua to the detriment of the United States, to the detriment of the cause of freedom, and those people who were putting their lives on the line in Central America to stop that Communist spearhead?

This is too important a question for us to let it be swept under the rug. We cannot permit a coverup of this information. Let us find out the facts. Let us find out if people in this body did commit acts that are very questionable indeed.

ANOTHER MISSED DEADLINE

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

Mr. PORTER. Mr. Speaker, there has been for some years now no more important concern than our budget deficit, and yet we will have this year what should prove to be the largest single year budget deficit shortfall ever. The budget compromise fashioned last October promised systematic budget reforms designed to avoid the use of continuing resolutions, governmental shutdowns, midnight sessions, and the sort of closed-door deal making that has infamized budget debacles of past years.

In just a few days, the first year of spending under the guidelines set forth in OBRA '90 will draw to a close, and Congress has yet to get its fiscal House in order. Of the three major deadlines agreed to last year, we have already missed two. The conference report on the fiscal 1992 budget was passed a month after the deadline, and the final appropriations bill did not leave the House until late July.

On Monday, Mr. Speaker, we will miss the final deadline and again send the President a continuing resolution. Our inability to make budgetary deadlines that were all but automatic under the agreement made last year is indicative of just how far we are from making any real progress on deficit reduction.

CRUEL HOAX ON UNEMPLOYED BY DEMOCRATIC LEADERSHIP

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

Mr. GINGRICH. Mr. Speaker, the Democratic leadership is about to play a cruel hoax on unemployed Americans. The Democratic leadership is going to try to pass unemployment legislation which the Democrats have designed to be vetoed by the President. The Democrats believe they will have a political issue that the unemployed will not get any money. That is cruel, heartless, and wrong.

President Bush is willing to sign the unemployment extension offered by Senator DOLE. That unemployment extension fits the budget agreements, is paid for, and is appropriate.

The choice is very clear. The Republican leadership is willing to offer an unemployment extension which can be signed and which will have checks going to the unemployed now. That is also a fair proposal which is paid for.

The Democratic leadership is not so much worried about checks getting to the unemployed as about having a political issue.

Furthermore, I will once again offer the Economic Growth Act to create 1,100,000 new jobs and sell 220,000 additional new homes.

I hope the Democrats will be as concerned about employment as they seem to be about unemployment.

I really think this is a chance in a bipartisan way to pass an unemployment extension which can be signed, to give up the political issue in order to help Americans.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 332, CONTINUING APPROPRIATIONS, 1992

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102-216) on the joint resolution (H.J. Res. 332) making continuing appropriations for the fiscal year 1992, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

MAKING IN ORDER ON WEDNESDAY, SEPTEMBER 25, 1991, OR ANY DAY THEREAFTER, CONSIDERATION OF HOUSE JOINT RESOLUTION 332, CONTINUING APPROPRIATIONS, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order on Wednesday, September 25, 1991, or any day thereafter, to consider in the House, any rules of the House to the contrary notwithstanding, the joint resolution (H.J. Res. 332) making continuing appropriations for fiscal year 1992 and for other purposes, and that debate be limited to 1 hour, the time to be equally divided and controlled by myself and the gentleman from Pennsylvania [Mr. MCDADE], and that the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit.

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

Mr. MCDADE. Reserving the right to object, Mr. Speaker, and I shall not object, I just want to engage in a brief colloquy with the chairman of the committee in order to enlighten Members of the body a bit about what is contained in this resolution that is upcoming.

Mr. Speaker, may I ask the chairman, this is I believe the continuing resolution that we just marked up in the full committee, which is a clean and simple short-term stopgap funding bill that runs until October 17. Is that the resolution we are referring to?

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

Mr. MCDADE. I am happy to yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, the gentleman is correct.

Mr. MCDADE. And is this the same resolution that provides for funding at the lowest levels of House action, Senate action, or last year's levels?

Mr. WHITTEN. Mr. Speaker, again the gentleman is correct.

Mr. MCDADE. Mr. Speaker, I thank the chairman.

Mr. Speaker, I understand as well this is the resolution that keeps all programs running under the terms and conditions that applied to the programs in fiscal year 1991.

Mr. WHITTEN. That is correct.

Mr. McDADE. Mr. Speaker, I thank the gentleman.

I want to point out that I am aware of no objection to this continuing resolution. In fact, the administration supports this resolution.

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

Mr. McDADE. I am delighted to yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, may I say it is a pleasure for me to work with the gentleman from Pennsylvania [Mr. McDADE], and I am proud of the job the Appropriations Committee has done this year, and may I add, the leadership as well, Mr. Speaker, in helping us with our work.

Again this year we have passed all the appropriation bills on time on the House side. I would like to report to the House what I said to the full Committee on Appropriations today.

The fiscal year begins one week from today. The House has passed all 13 bills. Two have been signed into law. Eight are ready to go to conference and we will begin appointing conferees later this afternoon.

The Senate has added 1,400 amendments to those eight bills. The staff has been working with their Senate counterparts to work out differences.

Obviously, Mr. Speaker, we need a short-term resolution. Thus we have reported this which came out of the committee, and now we are asking unanimous consent to consider it tomorrow.

Again, Mr. Speaker, I wish to thank all who have contributed to bringing about the passage of these bills on time.

I want to say in defense of the Appropriations Committee, in past years where we have been delayed it has been at the instance of our colleagues who had other business they wanted to complete before we handled the money bills, because the Congress has a tendency to want to adjourn as soon as we pass the Appropriations bills.

Again, Mr. Speaker, may I say it is a pleasure to work with my colleague, the gentleman from Pennsylvania.

□ 1300

Mr. McDADE. Mr. Speaker, let me reply to the gentleman from Mississippi [Mr. WHITTEN] that we are very grateful on this side of the aisle for the spirit of cooperation which we have had with respect to this continuing resolution.

Mr. Speaker, I agree with my distinguished friend from Mississippi that we could, if we can keep the Senate in session, complete the work on all appropriation bills. I do not see any reason why we would have to be here after October 15.

Mr. Speaker, I commend my friend from Mississippi for his forthright actions.

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

Mr. McDADE. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Speaker, I am just asking an inquiry here: I have been watching and listening to this debate. When do the existing rules say that we were to have completed our work on these appropriation bills?

Mr. McDADE. Well, as the gentleman knows, it is desirable that we conclude our work by the end of the fiscal year in time for the beginning of the new fiscal year. We have passed over to the Senate all the appropriation bills out of the House, as the gentleman knows.

Mr. DANNEMEYER. Do I understand the gentleman's comment to mean that we are by law supposed to have completed our work on appropriation bills by not later than September 30?

Mr. McDADE. That is the desirable objective.

Mr. DANNEMEYER. I thank my colleague for that information.

Mr. McDADE. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2698, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none and appoints the following conferees and, without objection, reserves the right to appoint additional conferees: Messrs WHITTEN, TRAXLER, McHUGH, NATCHER, and DURBIN, Mrs. KAPTUR, Messrs PRICE, SMITH of Iowa, OBEY, SKEEN, MYERS of Indiana, and WEBER, Mrs. VUCANOVICH, and Mr. McDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? The Chair hears none and appoints the following conferees, and without objection, reserves the right to appoint additional conferees: Messrs SMITH of Iowa, ALEXANDER, EARLY, CARR and MOLLOHAN, Ms. PELOSI, and Messrs WHITTEN, ROGERS, REGULA, KOLBE, and McDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2426, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1992

Mr. THOMAS of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? The Chair hears none and appoints the following conferees and, without objection, reserves the right to appoint additional conferees: Messrs. HEFNER, ALEXANDER, THOMAS of Georgia, COLEMAN of Texas, BEVILL, WILSON, DICKS, FAZIO, WHITTEN, LOWERY of California, EDWARDS of Oklahoma, DELAY, LIGHTFOOT, and McDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2707, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. PURSELL

Mr. PURSELL. Mr. Speaker, I offer a motion to instruct conferees.

PARLIAMENTARY INQUIRY

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

The SPEAKER. The gentleman from California will state it.

Mr. DANNEMEYER. Mr. Speaker, this gentleman from California has a motion to instruct conferees, and I wonder how I would structure my ability to bring this to the attention of the House.

The SPEAKER. There is only one proper motion at this stage, and recognition goes first to a minority committee member, but that motion may be amended if the previous question is rejected on that motion.

Mr. DANNEMEYER. Then I have a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, in order to reach the issue of defeating the previous question, debate would have to take place on the House, would it not?

The SPEAKER. One hour of debate on the pending motion.

Mr. DANNEMEYER. And would it be appropriate to divide the time between those now standing so that this issue may be brought to the attention of the House?

The SPEAKER. The Chair would initially recognize the gentleman from Kentucky [Mr. NATCHER] and the gentleman from Michigan [Mr. PURSELL] each for one-half hour.

Mr. DANNEMEYER. Mr. Speaker, a further parliamentary inquiry, would it be appropriate to divide the time 20 minutes to each side so that this Member would have an opportunity of bringing this issue to the members of the House?

The SPEAKER. If both 30-minute recognitions were in favor of the motion, then the gentleman would be in a position to request 20 minutes in opposition.

Mr. DANNEMEYER. May I inquire of the Chair if that is the case?

The SPEAKER. The Chair does not know. That will have to be seen at the time that the motion is offered.

Mr. DANNEMEYER. May I direct that inquiry through the Chair?

The SPEAKER. The gentleman is premature; the question has not yet arisen, but the gentleman's rights will be protected.

Mr. DANNEMEYER. I thank the Speaker.

The Clerk read as follows:

Mr. PURSELL moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2707, be instructed to agree to no less than the amount provided by the House under amendment No. 161 related to Guaranteed Student Loan Administration.

Mr. NATCHER. Mr. Speaker, will the gentleman from Michigan yield?

Mr. PURSELL. I yield to the chairman of the subcommittee, the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Speaker, on this side we have no objection to the motion offered by the gentleman from Michigan.

The SPEAKER. Does the gentleman from California [Mr. DANNEMEYER] request 20 minutes in opposition to the motion?

Mr. DANNEMEYER. I do, Mr. Speaker.

The SPEAKER. The gentleman will be recognized for 20 minutes.

The gentleman from Michigan [Mr. PURSELL] will be recognized for 20 minutes, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 20 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

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

Mr. PURSELL. Mr. Speaker, I yield myself such time as I may consume. I will be very brief. I will not need to take the 20 minutes.

Mr. Speaker, I rise in support of a motion to instruct conferees regarding a dispute between the House and the Senate of only $6 million for administration of the Guaranteed Student Loan Program. The House of Representatives and the subcommittee, of which I am the ranking minority member, felt very strongly that Secretary Alexander, in supervision and monitoring the loan default problem should have all the necessary tools at his immediate disposal. We must not jeopardize either the funding or the management of our Guaranteed Student Loan Program and the Senate numbers could cost this country millions of dollars.

There are currently 50 guaranty agencies and 12,000 participating banks that need monitoring. That is a major responsibility. Unlike the S&L program, we felt committed as a committee, I think on both sides of the aisle, to appropriately fund the necessary staff with which to monitor and prevent the collapse of any guarantee agency. Last year the collapse of one guarantee agency cost the Federal Government over $100 million.

The cost to the Federal Government because of defaults in the Guaranteed Student Loan Program in fiscal 1990 was $2.4 billion; in fiscal year 1991 it was $3.6 billion. In other words, a 50-percent increase over 1 year.

We think prudent and responsible fiscal management and leadership from the House of Representatives on this matter is appropriate.

The Senate needs to concur and, hopefully, recede to the House.

So on behalf of my side of the aisle, and I think we have bipartisan agreement on this, the motion to instruct conferees to insist on the House numbers for administration of the Guaranteed Student Loan Program should be agreed to.

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

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

Mr. Speaker, we have no objection to the motion offered by the gentleman from Michigan. As the Members of the House know, the Senate has reduced funding for administering the guaranteed student loan program. We think the motion offered by the gentleman from Michigan is proper in every respect.

□ 1310

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

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

Mr. Speaker, what I seek to do is to have the House concur in some language that has been placed in this appropriation bill on the Senate side that will continue in existence title 20 funding for an adolescent family life program, and I want to bring to the attention of the Members of the House that in order for my motion to amend the existing instruction offered by my colleague, the gentleman from Michigan [Mr. PURSELL], I would have to defeat the previous question, and that will be my purpose in doing that.

Members will recall that title 10 deals with family planning activity, and the House in the ensuing weeks will take up the reauthorization of that measure. Family planning deals with how we are going to use Federal tax dollars in planning families in this country.

As we know, there is a controversial provision of that whole issue today; namely, to what extent can those who receive Federal funds in the area of family planning deal with the issue of abortion?

This issue of Adolescent Family Life Program has been funded at a much lower level than title X under family planning, but nevertheless it has been very successful in those school districts around the country that have utilized title XX funding. The Senate has put in a little less than $8 million in fiscal year 1992, and the sense of this motion I seek to offer today will in effect instruct our conferees to stand firm and continue this level of funding for adolescent family planning under title XX if this appropriation bill is finally adopted.

I just want to draw the attention of my colleagues to how effective this program in advocating abstinence for young kids in our society has been.

Studies show that the clear abstinence message leads to healthier attitudes and healthier behavior. When sex respect students were asked: "Do you feel that sex among unmarried teens

is? First, very wrong; second, quite wrong; third, not very wrong; fourth, not wrong at all; fifth, no response. The figures for 1988 were 20 percent very wrong in the pretest and 29 percent in the posttest. In 1990, it was 33 percent in the pretest and 41 percent in the posttest."

The school community program for sexual risk reduction among teens and abstinence-based sex education programs based in South Carolina resulted in a marked reduction in the teenage pregnancy rate. It dropped from 60 per 1,000 before the program began in 1982 to 25 per 1,000 in 1985. The rate for comparison counties without the program showed an increase in teen pregnancies during the same time period.

A sexuality commitment and family abstinence-based program used by San Marcos Junior High decreased the pregnancies from 147 to 20 among their students after only 2 years of implementation.

These three instances—and there are others if time permitted that I could cite to my colleagues—show quite clearly that when programs are implemented under title XX, it has the beneficial effect of reducing teenage pregnancy and teenage sexual activity, which results in lower pregnancy rates among teenage kids in our society.

Mr. Speaker, for this reason I believe the motion to defeat the previous question should be adopted by the House so I may have the opportunity of offering this amendment. I do not seek to replace the language of my colleague, the gentleman from Michigan [Mr. PURSELL]. I only seek to amend the language so that my language will be part of his, and so his language will survive and my language will be a part of that instruction as well.

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

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

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

Mr. Speaker, I would like to have had the opportunity to debate this amendment. However, in our discussions earlier with our staff on the committee, both on the majority and minority sides, we never had the opportunity to discuss this. I am not in disagreement with what my friend is trying to do, but this is not the appropriate time or place. It is really tough now for us to change horses in the middle of the stream. I had wished that my colleague, the gentleman from California, would have had an opportunity to bring this before the subcommittee earlier this year and to have had it debated on the House floor when the bill was considered.

So, Mr. Speaker, at this time I would have to oppose this amendment.

Mr. DANNEMEYER. Mr. Speaker, I yield 7 minutes to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, this is one of those issues that is probably going to affect more the ethos of our country and our culture and what it is like to raise children in this country than any of the passionate battles we have had on this floor about funding the Contras, the anti-Communist freedom fighters in Nicaragua, or programs for Angola or Afghanistan, or debates coming up over the B-2, strategic defense, or what we are going to do with the Soviet Union. This has to do with the fabric of American life and what we tell our young people about responsibility to themselves and to other young people, their sexual responsibility.

This title XX money was taken out on a technicality. The week it happened, Newsweek magazine came out with an article on young women across this country who are sexually active. That is that ugly little cute term we have for "sexual promiscuity in high school." It said in this Newsweek magazine article that not only do we have teenage prostitution out in the street for kids that drop out of school, but girls in school were so aggressive sexually that it was defying description, and they quoted young girls who said they would "even date boys who are so ugly you want to vomit after you have been out with them and slept with them, but they will give you a gold bracelet."

I had that article. I tore it out of the magazine, and I approached the distinguished gentlewoman from Colorado [Mrs. SCHROEDER] here in the well, and I said, "PAT, why is this title XX money out?"

I said, "We can't just pass out condoms in high school. We have to have programs that teach that there is some meaning to words like 'modesty' and 'decency' and 'virginity' and 'wholesomeness.' What do we do, take these words out of our dictionary?"

□ 1320

Is there anything to these concepts left in a country that used to be proud of its Judeo-Christian standards, its Mosaic law, its Maimonides-Rabbinical law, its Pope Gregory IX, Pope Innocent III, St. Louis, Edward the Confessor, Saint Alphonse?

Do we have any standards left in this country? Why is Moses' face in this Chamber?

I did not tell the gentlewoman from Colorado [Mrs. SCHROEDER] all that, just the first few sentences. I said, "PAT, don't we have any standards left in this country? Look at what is happening to teenage girls."

She said, "Oh, I don't care. I only took it out because you folks had taken out some title X money. It is up to you to put it back in."

Well, that is what we are trying to do right now, is put it back in. If the gentlewomen from Colorado [Mrs. SCHROEDER] does not mind it being in, I do not understand why anybody would mind it being in.

I remember walking across the lawn with a former Member from Connecticut, and he was musing. He had just lost in a big expensive comeback in Connecticut.

He said to me, "Can you imagine, BOB, this Jeremiah Denton trying to put money in a budget to teach chastity?"

I said, "Why do you mock that and ridicule that? Do you have children? Do you have daughters? Do you have sons? Don't you want your sons to treat all young women the way you would want somebody to treat a kid sister, or to treat anybody's daughter? What is so funny about this that you are mocking Senator Denton?"

Well, he lost his bid for higher office shortly thereafter that, and, as I repeat, 8 years later lost his comeback bid.

I do not understand Members like that. I do not understand Members that think there is something funny or ridiculous about trying to teach chastity to kids in high school.

I was just told by a nephew the other night that in a Catholic high school in the valley, Crespi by name, one of his teachers in his sophomore year told the class that sex before marriage is OK if the two people are in love.

How many times have we heard that inane line? To 16-year-olds, it is love. Next year with different partners, it is 17-year-olds' puppy love. Next year it is 18-year-old love. That is more serious because you can vote.

Then they go on to college, and it is a different love every semester, and pretty soon here is the guy that says, "I am going to shape up my life and look for Miss Right to be the mother of my children." But meanwhile the young girl has had 10, 15, 20 affairs. And what is she in this double standard we still have in Western civilization? Why, she is a little street urchin, and he is a big lover boy.

That standard is still out there, just as it was when I was in high school, and it is never going to change. Instead of asking young men to live up to the standards that we are trying to get young women to live up to, and that is what my mother pumped in my head every time I went out on a date. Every time I came home late, she said, "I hope you are treating those young women with respect, the way you would want a younger sister that you never had to be treated."

But today, what are we telling people? What does it seem like NOW's major crusade was? To bring our young women down to the alley cat standard of young men, who were lying most of the time anyway about all their conquests.

No, we need this title XX money. We cannot treat this in a cavalier way any more.

I suggest you all go to your dictionaries, and I will do it in this dictionary here which is a pretty old one, and look up the word "ethos." The whole cultural standards of our Nation, the principles under which we are trying to raise children. I wish I had on the tip of my tongue all the statistics on teenage abortion, teenage births, because kids are rejecting this idea of killing their babies in their wombs, but they are still having tens of thousands of babies born outside of wedlock. It is coming down to the 50 percent point in some ethnic groups or poverty groups across this country.

The disease rate, I remember making a speech on this House floor 15 years ago with words I had never heard of in my life, chlamydia, venereal warts, gonorrhea, syphilis, going off the charts. That was before the spring of 1981. We did not find out until about a year later when the scientific community came up with AIDS.

This country is flat out an unsafe place to raise decent young men and women in majority areas of our country, and pretty soon there will not be a village or a hamlet from sea to shinning sea where a parent will not be betrayed by some school teacher like this priest at Crespi telling kids exactly what they want to hear when they are a sophomore.

It used to happen at Catholic University when you were a freshman under Father Charles Curran, where he would get a freshman class of kids and say, "Masturbation is OK, sex outside of marriage is OK, homosexuality is OK, but don't tell your parents I told you that."

Do you know what a priest does when he does that? He steals the money from the parents, steals it from them, and betrays everything that those parents believed in and thought was going to be reinculcated into those children with the Christian education that they were paying for.

No. When that happens in our most trusted institutions, they are supposedly following Judeo-Christian ethical standards, you can imagine the message to kids when they set up some clinic in a high school and pass out condoms.

You cannot pray in high school any more, but you can pass out condoms. Get at least this title XX money in there to teach decency, wholesomeness, virginity, and chastity, and waiting for a mature age.

Mr. NATCHER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I find this debate quite puzzling, because what is now pending before the House is a motion to instruct conferees on graduate student loans. That is the issue before the House.

As I understand it now, the gentleman from California [Mr. DANNEMEYER] wants to defeat the previous question so that he can offer a proposal that would say that a sex survey that at one time had been talked about by the Department of Health and Human Services, which, unfortunately, Secretary Sullivan stopped, and I say unfortunately because we need to get information about what the sexual practices are in this country at this time of an AIDS epidemic, an upsurge of syphilis and gonorrhea and other sexually transmitted diseases. We need to know what is happening so we can change behavior, and not just preach about the problem.

But at any rate, this sex survey, as I understand it, is not going to happen. So the proposal is to take the money that is not going to be spent anyway and transfer it to a program called title XX which has not been reauthorized.

Well, if there is any money there, there are a lot of programs to fund. We just had a hearing this morning about the 20th anniversary of the National Cancer Institute. So much needs to be done in the area of research on cancer and other diseases.

If we are interested in the problems of morality and abortion, I believe we ought to be putting more money into the family planning program, because that program can prevent abortions by preventing unintended, unwanted pregnancies.

There are 34 million people in this country who do not have health insurance. Perhaps if we had some money we could put it into community health centers, because that is the only place many people can go for any services at all.

Mr. Speaker, my point is that I think what the House is being subjected to is a little bit of a charade. We will all be told that if we vote against this motion of the gentleman from California [Mr. DANNEMEYER], that we are really voting for a sex survey that he heartily disapproves of, while that is just the reality as I understand it.

This seems to be a way to set up a vote that someone can claim meant something else than the reality of the situation. Procedurally, the motion to instruct is on graduate student loans. We ought to go along with that motion to instruct. We ought to support the previous question so we can vote on that motion to instruct, and not let this process be misused by trying to confuse everybody on an issue that is not an issue, to stop a survey that is not going to be conducted, to show the Secretary he had better not even think about a survey in the future.

We have now had this issue in the House when we had the National Institutes of Health legislation. The gentleman from California [Mr. DANNEMEYER] tried at that time to put in law a way to prevent a sex survey ever in this, and this House overwhelmingly and resoundingly defeated that hamstringing of the people in the research institutions from finding out information that would help us prevent, cure, and curtail some of these diseases.

Mr. Speaker, I thank the chairman of the subcommittee for yielding time to me to rise in support of the previous question when that vote is put to us so we can go on with the business of the House.

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

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I think it may be important, given the remarks of the previous speaker, to clarify the situation that we are in. The motion that we have before us from the gentleman from Michigan is on a subject matter which is in the purview of the conference committee named the Guarantee Student Loans.

Mr. Speaker, I would ask the gentleman from California [Mr. DANNEMEYER], is that not correct?

Mr. DANNEMEYER. Mr. Speaker, that is correct.

Mr. WALKER. The gentleman from Michigan does not include any language in his motion to instruct on title XX, which the gentleman from California [Mr. DANNEMEYER] would like to have the conference committee address as well.

Mr. DANNEMEYER. Mr. Speaker, that is also correct.

□ 1330

Mr. WALKER. And the subject matter under title XX is also under the purview of the conference committee because of the Senate action; is that correct?

Mr. DANNEMEYER. That is correct. To be more specific, the Senate committee has put into this bill for title XX funding $7.8 million from teenage sex surveys that will not take place as a result of a decision by the administration. And some of us believe that is a proper place to fund the program title XX that has been so successful in reducing teenage pregnancies around this country.

Mr. WALKER. So this has nothing to do with the implementation of the sex surveys at all. It is the Senate having made a decision to put this money into a program to instruct people on the issues of chastity and virginity and so on. So the gentleman is simply attempting, as I understand it, to amend the motion of the gentleman from Michigan. He is not attempting in any way to take away the language of the gentleman from Michigan with regard to guaranteed student loans?

Mr. DANNEMEYER. That is absolutely right. I think I made that clear to the gentleman from Michigan [Mr. PURSELL]. I do not intend to replace his language at all. I only seek to add to

what his language would do as indicated here by providing funding for title XX.

Mr. WALKER. So if the previous question were defeated, the action before the House would be to amend the language of the gentleman from Michigan in hopes that at the end of the process we would have instructions to the conferees both on the subject of guaranteed student loans and on the subject of title XX.

Mr. DANNEMEYER. That is correct.

Mr. WALKER. Mr. Speaker, I am a little confused then as to what the gentleman from California was telling the House because he seems to say it was an either/or choice. I do not think there is an either/or choice here. We have a very, very clear situation where if Members vote to defeat the previous question, we will have an opportunity to address the subject matter that was not included in the amendment of the gentleman from Michigan. And we will in no way lose the subject matter of guaranteed student loans.

In fact, we will simply enhance it by having an instruction that goes further than that and also includes title XX.

I do not think that the situation could be clearer. I certainly hope the House will be with the gentleman from California [Mr. DANNEMEYER] in his attempt to defeat the previous question.

Mr. NATCHER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the gentleman from Kentucky for his leadership on this.

I rise to encourage people to support the previous question. The issue of guaranteed student loans is absolutely vital, and we must move on on it.

The issue about title XX has been really diverted a bit, and I think we ought to lay it out. There was an internal memo at Health and Human Services saying that the program was not doing what it was supposed to be doing. There were no qualms about trying to find a way to do the things title XX was to do, as the gentleman from California points out, but HHS had measured the program and said it was not doing that. It had not been authorized, so it was an unauthorized, program, because I think many people had qualms that while the goals were good, we were not getting there.

Adolescent pregnancy had doubled and so forth. So that is really the issue.

I really resent very much the Members who went into the well and said that I had some other agenda and was not part of the Christian-Judeo culture. I resent that tremendously.

I have young children, and I want to tell my colleagues, I am all for the goals of chastity and virginity and every other such thing. What I want my colleagues to know is this is really about getting on with moving the previous question, getting on with student loans. That is where we ought to be as a body.

This other stuff is all ancillary and has been drug up on issues that really do not matter. If we switched and if we changed, this money would not be diverted from the sex surveys on adolescents. Those are dead. It would come out of the Institute for Child Health and Human Development.

I do not think any Member in here wants to take money out of the Institute for Child Health and Human Development. They are desperately needing money. So that would be what would happen if the amendment of the gentleman from California could carry. So let us get on with guaranteeing student loans. That is important.

Let us not take money out of an institute for child health and human development where the money, every nickel of it, is needed and we need more. Let us not take it out of there for a program that HHS said itself internally was not working. Great goals, but they have not found the right means.

We ought to be funding what works. That is what the taxpayer wants us to do. That is what this body did, and we ought to stand our ground.

I urge every Member to move to vote for the previous question.

Mr. DANNEMEYER. Mr. Speaker, I think the House understands what the issue is. I want to make sure what defeating the previous question will do.

The gentleman from Michigan [Mr. PURSELL] has made a motion to instruct conferees. I agree with that motion. It deals with student loans. That is a needed provision insofar as what our conferees do on that issue. I support that.

When we defeat the previous question, if the House does that, I intend to offer a motion to the motion of the gentleman from Michigan [Mr. PURSELL] that will still keep his motion where it is, not change it one bit, just add language to it that in effect will provide funding for the adolescent life program under title XX.

Members may recall that we tried to do this in a previous consideration of the House, but a Member stood and objected that money in an appropriation bill was deleted because there was no authorization for the continuation of the program and the point of order was sustained.

This is why we are seeking to provide funding for that activity. The Senate has, in its version of this bill, provided almost $8 million for this purpose of adolescent family planning, and the adoption of what I seek to have added to this language will have the same purpose there and a clear indication to our conferees that the House also believes that the subject of adolescent family planning has some utility, insofar as Federal funds are concerned, in helping the kids of our society relate to the issues that they are confronting in their growing years.

This is why I seek to defeat the previous question, so I can offer in effect my amendment to the existing language.

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

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

Mr. PURSELL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The SPEAKER pro tempore (Mr. CARPER). 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. DANNEMEYER. 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 154, not voting 16, as follows:

[Roll No. 270]

YEAS—262

Abercrombie	DeLauro	Hertel
Ackerman	Dellums	Hoagland
Alexander	Derrick	Hochbrueckner
Anderson	Dickinson	Horn
Andrews (ME)	Dicks	Horton
Andrews (NJ)	Dingell	Houghton
Andrews (TX)	Donnelly	Hoyer
Annunzio	Dooley	Hubbard
Anthony	Dorgan (ND)	Hughes
Aspin	Downey	Jefferson
Atkins	Durbin	Jenkins
AuCoin	Dwyer	Johnson (SD)
Bacchus	Early	Johnston
Barnard	Eckart	Jones (GA)
Beilenson	Edwards (CA)	Jones (NC)
Bennett	Edwards (TX)	Jontz
Berman	Engel	Kanjorski
Bevill	English	Kaptur
Bilbray	Erdreich	Kennedy
Bilirakis	Espy	Kennelly
Boehlert	Evans	Kildee
Bonior	Fascell	Kleczka
Borski	Fazio	Kolbe
Boucher	Feighan	Kolter
Brewster	Flake	Kopetski
Brooks	Foglietta	Kostmayer
Browder	Ford (MI)	LaFalce
Bruce	Frank (MA)	Lancaster
Bryant	Frost	Lantos
Bustamante	Gallo	LaRocco
Campbell (CO)	Gaydos	Laughlin
Cardin	Gejdenson	Leach
Carper	Gekas	Lehman (CA)
Carr	Gephardt	Lehman (FL)
Chapman	Geren	Levin (MI)
Clay	Gibbons	Lewis (GA)
Clement	Gillmor	Lipinski
Coleman (TX)	Gilman	Long
Collins (IL)	Glickman	Lowey (NY)
Collins (MI)	Gonzalez	Machtley
Condit	Goodling	Manton
Conyers	Gordon	Markey
Cooper	Gradison	Martin
Costello	Green	Martinez
Cox (IL)	Guarini	Matsui
Coyne	Hall (OH)	Mavroules
Cramer	Hamilton	Mazzoli
Darden	Harris	McCloskey
de la Garza	Hayes (IL)	McCurdy
DeFazio	Hefner	McDade

McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Montgomery
Moody
Moran
Morella
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Rangel
Reed
Richardson
Roe
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Stark
Stenholm
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—154

Allard
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Bliley
Boehner
Broomfield
Bunning
Burton
Byron
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gilchrest
Gingrich
Goss
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Huckaby
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken
Marlenee
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Mollohan
Moorhead
Morrison
Nichols
Nussle
Orton
Owens (UT)
Oxley
Packard
Paxon
Petri
Porter
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stallings
Stearns
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Bentley
Boxer
Brown
Callahan
Dixon
Dymally
Ford (TN)
Hatcher
Hopkins
Hyde
Levine (CA)
Mrazek
Rahall
Slaughter (VA)
Staggers
Stokes

□ 1359

Messrs. GUNDERSON, HOBSON, COLEMAN of Missouri, and OWENS of Utah changed their vote from "yea" to "nay."

Mr. STENHOLM 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. SKAGGS). The question is on the motion to instruct offered by the gentleman from Michigan [Mr. PURSELL].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Speaker will appoint conferees when the Speaker resumes the chair.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1330

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that my name be withdrawn from cosponsorship of the bill, H.R. 1330.

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

There was no objection.

WITHDRAWAL FROM COSPONSORSHIP OF H.R. 1330, THE COMPREHENSIVE WETLANDS CONSERVATION AND MANAGEMENT ACT

Mr. ANDERSON. Mr. Speaker, today I rise to ask that my name be withdrawn from cosponsorship of H.R. 1330, the Comprehensive Wetlands Conservation and Management Act of 1991. In an effort to quell any misconceptions that I have changed my position on the critical issue of wetlands protection, allow me to share my rationale for this decision.

The ongoing polarization caused by the wetlands program, coupled with the essential need to protect these diminishing resources, originally led me to cosponsor the Comprehensive Wetlands Conservation and Management Act of 1991. Never did I, nor do I now, view H.R. 1330 as the optimum legislative solution to this complex and critical issue. My cosponsorship was a means to heighten congressional awareness on outstanding issues with the section 404 program. In addition, I sought to exhibit my personal interest in modifying wetlands regulation during the reauthorization of the Clean Water Act during the 102d Congress.

When Congress first gave regulatory authority to the Army Corps of Engineers over dredging and filling of the Nation's waters under the River and Harbor Act of 1899, and later under section 404 of the Clean Water Act, who envisioned this authority transcending into today's heated wetlands debate? Enactment of the 1972 Clean Water Act, subsequent revisions in 1977, and publication of the "Wetlands Mitigation Manual" in 1989, has made wetlands protection both the most embraced, and the most feared, environmental initiatives in the country. Like all environmental issues, there are those who seek more wetlands protection, and those that feel existing protection is unfair and inconsistent.

On one hand, despite existing protection, America continues to lose wetlands to filling and draining at a rate of 30 acres per hour, 290,000 per year. Moreover, of the current inventoried wetlands, 20 percent receive no protection at all under section 404, while other major portions of wetlands received exemption from the program in 1977 amendments.

On the other hand, the current regulatory program has extended to the protection of millions of acres of land, both public and private, with little specific statutory authority from the Congress. In addition, it has been argued that much of this land is not qualified to be on the wetlands inventory. Although subject to some dispute, we have all heard the horrific story of John Pozgati, a self-employed truck mechanic, who was sentenced to 3 years in prison and a $202,000 fine for cleaning and filling a 14-acre garbage dump located on his own property. When looking at this program from all sides, it is obvious that a revised, balanced, and flexible approach is needed to correct the program's existing shortcomings. Fortunately, recent events make changes inevitable.

On August 14, 1991, the administration released its proposed revisions to the "Federal Manual for Identifying and Delineating Jurisdiction Wetlands." Accordingly, the House Subcommittee on Water Resources is currently scheduling extensive hearings to review the administration's revisions, and to receive testimony from other concerned parties. Being a member of the Water Resources Subcommittee, it is imperative that I listen to the witness testimony and review all the wetlands proposals with an open mind prior to making any determination on which way the Congress should proceed. Only by doing so can I make an honest, educated decision on wetlands reform. Therefore, in view of recent developments, and with all due respect to Congressman JAMES HAYES and the other cosponsors of H.R. 1330, I ask that my name be withdrawn from cosponsorship of H.R. 1330 at this time.

RE-REFERRAL OF H.R. 2926, JEFFERSON NATIONAL EXPANSION MEMORIAL

Mr. ROSE. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (H.R. 2926) to amend the act of May 17, 1954, relating to the Jefferson National Expansion Memorial to authorize increased funding for the East St. Louis portion of the memorial, and for other purposes, and that the bill be re-referred to the Committee on Interior and Insular Affairs.

Mr. WALKER. Reserving the right to object, Mr. Speaker, can I assume this has been cleared with the minority?

Mr. ROSE. Mr. Speaker, if the gentleman will yield, counsel for my com-

mittee tells me that it has been. We are simply correcting a mistake that was made. This bill should never have been referred to us in the first place.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. ROSE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 194.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 193

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 193.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2519, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1992

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GREEN

Mr. GREEN of New York. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. GREEN of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2519, be instructed to agree to the amendment of the Senate numbered 35 for only that part of the amendment on page 23 from the end of line 18 after the colon through the colon on line 25.

The SPEAKER pro tempore. The gentleman from New York [Mr. GREEN] is recognized for 30 minutes.

Mr. GREEN of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no objection to this motion. It simply would concur with a Senate amendment that would delete House language which is no longer necessary in view of the decision of the House to fund the HOME program during its consideration of this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GREEN].

The motion was agreed to.

The SPEAKER pro tempore. The Speaker will appoint conferees when the Speaker resumes the chair.

APPOINTMENT OF CONFEREES ON H.R. 2622, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1992

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2622) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. WOLF moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on H.R. 2622, be instructed to agree to the Senate amendment numbered 154, concerning sentencing guidelines for Federal child pornography offenses.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes, and the gentleman from California [Mr. ROYBAL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

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

The motion that I am offering on H.R. 2622, the Treasury, Postal Service, and General Government appropriations measure for fiscal year 1992, deals with an amendment that passed the Senate unanimously on July 18, by a 99 to 0 vote.

This motion should be passed by the House with the same overwhelming support it received in the other body. It should be supported by every Member who favors increased protection for children who are the victims of molestation and exploitation. The strong supporters for this amendment include the Religious Alliance Against Pornography—which includes Cardinals in the Catholic Church such as Cardinal Bernardin of Chicago, Cardinal Law of Boston, and Cardinal Mahony of Los Angeles. The alliance also includes the president of the Southern Baptist Convention, Dr. Harold C. Bennett, Dr. Bill Melvin of the National Association of Evangelicals, the Patriarch of the Greek Orthodox Church, His Eminence Archbishop Iakovos, and the leaders of virtually every major Protestant and Mormon faith group in America.

Specifically, the pending motion concerns the sentencing guidelines that deal with Federal child pornography offenses. In the 1990 crime bill, Congress toughened Federal pornography laws by creating a new Federal offense for possession of child pornography. This new offense supplemented the existing offense of transporting, receiving, or trafficking in material involving the sexual exploitation of a minor. When the U.S. Sentencing Commission promulgated guidelines for the new possession offense, it took the existing receipt offense, which had been part of the offense involving trafficking, and put it in with the new possession offense. The Commission then assigned the possession and receipt offense the lower base offense level of 10.

Thus, the proposed sentencing guideline would effectively lower the penalty for receiving child pornography materials, even though Congress wanted to strengthen Federal criminal law in this area in the 1990 crime bill.

Senate amendment 154 would reiterate that Congress wants to put teeth into the criminal laws governing child pornography. The amendment sets the base offense levels for trafficking in child pornography at 15, and sets the base offense level for traffickers in child pornography who have a history of sexually abusing children at 18. It sets the base offense level for offenders possessing several articles of child pornography at 13, the base offense for offenders possessing 10 or more items of child pornography at 15, and also sets the base offense level for the distribution of adult obscenity at 10.

The motion and amendment are supported by The National Coalition Against Pornography, the National Center for Missing and Exploited Children, the Family Research Council, the Children's Legal Foundation, Morality in Media, the Southern Baptist Convention, the National Family and Child Protection Law Center, and many other groups.

I want to read just a few excerpts from the letters that I have received on this issue:

"Child abuse and sexual assaults on children are occurring in epidemic numbers in the United States today * * *. Children's Legal Foundation strongly endorses the legislation you are working to enact which would strengthen the child pornography penalties as reflected in the Federal sentencing guidelines."—James P. Mueller, Children's Legal Foundation.

"We consider this legislation vital to the interests and well-being of children throughout the United States. It has our strongest possible support and we would be deeply opposed to any weakening of the amendment in conference."—Jerry R. Kirk and Deen Kaplan, Religious Alliance Against Pornography.

Mr. Speaker, as the ranking member on the Select Committee on Children, Youth, and Families I can tell you that the American family, and especially children, are under tremendous pressure in today's society. This motion is an important step in protecting childern from the exploitation that occurs with every single instance of child pornography. I would hope that Members of the House will show the same level of concern regarding child pornography as members of the Senate, who passed this amendment 99 to 0. I urge a yes vote on this motion.

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

Mr. Speaker, I have received a letter from the chairman of the U.S. Sentencing Commission who states in his letter that he does oppose the Senate language as written, but he recommends modified language.

I also have a letter from Cardinal Roger Mahoney, the Archbishop of Los Angeles, who supports the Senate amendment.

Mr. Speaker, I will include these letters in the RECORD at this point.

U.S. SENTENCING COMMISSION,
Washington, DC, August 7, 1991.

Hon. EDWARD R. ROYBAL,
Chairman, Subcommittee on Treasury, Postal Service, and General Government, Capitol, Washington, DC.

DEAR CONGRESSMAN ROYBAL: I am writing in reference to Senate Amendment No. 780 to the FY 1992 Treasury, Postal Service Appropriations Bill that directs the United States Sentencing Commission to amend the sentencing guidelines pertaining to child pornography offenses.

Regrettably, the debate in the Senate mischaracterized the Commission's recent actions as having reduced the guideline penalties for trafficking in child pornography. This is not correct. In point of fact, the Commission amendments assure that defendants who peddle child pornography will be sentenced as traffickers *even* if they successfully negotiate a plea to the lesser offense of simple possession of child pornography. The Commission has always regarded child pornography offenses as serious, as indicated by the fact that the guidelines do not permit straight probation for the least serious forms of this conduct and require a substantial term of imprisonment for the more serious forms.

The Commission's 1991 amendments to the child pornography guideline were principally motivated by the creation of a new offense in the 1990 crime bill (codified at 18 U.S.C. §2252(a)(4)) that punishes by imprisonment up to five years the knowing possession of three or more items of child pornography. Prior to the 1990 crime bill, 18 U.S.C. §2252 provided up to ten years imprisonment upon a first offense conviction for a wide range of conduct varying in seriousness from the simple receipt through the mail of one item of child pornography to for-profit trafficking in large volumes of such material. Convictions for such conduct were sentenced under guideline 2G2.2, which provided a base offense level of 13, increased by 2 levels (about 25 percent) if the material involved a prepubescent minor or minor under age 12, and further increased by at least 5 levels if the offense involved for-profit distribution.

In response to the 1990 crime bill amendment, the Commission created a new guideline, 2G2.4, and assigned to it a base offense level of 10, increased to 12 if the pornographic material involved a prepubescent minor or minor under age 12. The base offense level of 10 was the highest of the alternatives proposed for public comment[1] and is roughly 50 percent greater than the base offense level for simple receipt or possession (in federal jurisdiction) of one item of adult obscene matter. The sentencing significance of this is that a first offender who violates 18 U.S.C. §2252(a)(4) by possessing three items depicting a prepubescent child and who manifests remorse will be subject to a guideline range of 6–12 months imprisonment. A sentence of probation is only permitted in such circumstances if the defendant, as a condition of probation, loses his liberty for at least six months in jail, community confinement, or home detention.

In constructing the new guideline, the Commission made several other significant decisions. First, the Commission provided that if the actual offense conduct involves trafficking in child pornography, the trafficking guideline, with its more severe penalties, will apply, although the defendant may only be convicted of simple child pornography possession. Similarly, if the actual offense conduct involves production of child pornography, the still more severe penalties of guideline 2G2.1 (Sexually Exploiting a Minor by Production of Sexually Explicit Visual or Printed Material . . .) will apply. The purpose of these "cross references" is to ensure that defendants will be punished commensurate with the seriousness of their real offense conduct, even if a plea bargain allows a plea to a possession charge. Furthermore, for those cases in which the defendant possesses a large quantity of prohibited material, but the government is unable to prove trafficking (in order to trigger the cross reference to the trafficking guideline), commentary to the new guideline recommends an above-guideline sentence.

Secondly, in keeping with the overarching congressional mandate to ensure that defendants who commit similar offense conduct are treated similarly under the guidelines, the Commission determined that the new guideline should encompass other conduct of comparable seriousness to the new statutorily-created offense (simple possession of child pornography) that was formerly sentenced under §2G2.2, including simple receipt. Recognizing that receipt is a logical predicate to possession, the Commission concluded that the guideline sentence in such cases should not turn on the timing or nature of law enforcement intervention, but rather on the gravity of the underlying conduct. In this regard, the Commission's rationalization of the offense conduct according to its severity parallels the manner in which illegal drug (or firearms) receipt and possession are treated similarly under the guidelines, while drug (or firearms) distribution or trafficking are treated more severely. Senate Amendment No. 780, unfortunately, would negate the Commission's carefully structured efforts to treat similar conduct similarly and to provide proportionality among different grades of seriousness of these offenses. Instead, it would require the Commission to rewrite the guidelines for these offenses in a manner that will reintroduce sentenoing disparity among similar defendants and render the guidelines susceptible to plea bargaining manipulation.

For example, the Senate Amendment mandates the same base penalty for a defendant who, in response to a postal sting solicitation, orders one prohibited magazine as it does for an active "smut peddler." At the same time, the amendment would require the Commission to provide sentences that are 25 percent more severe if the defendant transports one prohibited magazine across state lines than if he is apprehended with nine child pornography movies in his home. Furthermore, through skillful plea bargaining, large-scale traffickers may be able to circumvent the nominally more sever penalties mandated by the Senate amendment by negotiating a plea to simple possession. One primary reason Congress created the Sentencing Commission was to devise guidelines that avoid these unwarranted variations in sentencing for similar conduct. Amendment No. 780 will reintroduce the very problems the guidelines now prevent.

The Commission fully concurs in the need to provide appropriately severe penalties for these offenses that involve the sexual exploitation of young victims. The Commission's guidelines, taking into account proposed amendments we recently sent to the Congress for its review, continue to require substantially tougher penalties than typically were imposed under pre-guidelines practice. In fact a number of judges had written the Commission to express the view that the offense level for the lest serious forms of conduct under §2G2.2 was too severe and that the Commission had failed to consider mitigating factors that warranted a lower sentence. Empirical data on non-distribution cases sentenced under §2G2.2 during fiscal year 1990 suggest many judges share this view of sentence severity. Data indicates that 34 of 88 such cases were sentenced below the appropriate guideline range. This 38 percent below-guideline sentencing rate is more than two and one-half times the 14.4 percent downward departure rate for all guidelines in the same period. Moreover, there are indications that many prosecutors may share the judges' views, based on the fact that apparently only three such downward departure sentences have been appealed. By ordering the Commission to raise penalties even higher for the least serious cases (*i.e.*, simple possession and receipt), Senate Amendment No. 780 may aggravate this below-guideline sentencing rate and heighten sentencing disparity.

As I stated in recent testimony submitted to the Senate Judiciary Committee in connection with the 1991 crime bill, the Commission welcomes the opportunity to work with

[1] In its January 17, 1991, solicitation of public comment on proposed guideline amendments, the Commission requested views on whether the base offense level under proposed §2G2.4 should be 6, 7, 8, 9 or 10. The only comment received on this issue was from the Department of Justice, which suggested an offense level of 9 and opposed removal of simple receipt from §2G2.2.

Congress to ensure that the guidelines are achieving the objectives Congress sees fit to establish, and we will implement any new congressional directives as promptly as the law permits. At the same time, we believe it is important for Congress to recognize that the Commission is now in a position to provide, to an extent unparalleled by previous sources, detailed data on actual sentencing practices under the guidelines—information that we hope Congress will consider in its decision on sentencing policy.

If the conferees determine that a directive to the Commission is needed in this area, I recommend consideration of the attached substitute provision. This directive, with its more flexible language, is patterned after similar directives in the Commission's original statute and several subsequent crime bills. It expresses the clear Congressional will that the Commission provide appropriately severe penalties in this area without hamstringing the ability of the Commission to take into account variations in the actual offense conduct and significant offender characteristics. Given reasonable flexibility, I am confident the Commission can accomplish the desired aim without creating anomalous results or compromising the core principles of the Sentencing Reform Act.

Thank you for your consideration in this matter.

With highest regards and best wishes, I am,

Sincerely,

WILLIAM W. WILKINS, JR.,
Chairman.

SUGGESTED SUBSTITUTE FOR CHILD PORNOGRAPHY AMENDMENT

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend as necessary the sentencing guidelines pertaining to child pornography offenses to ensure a substantial term of imprisonment for any dependent convicted of an offense involving: (1) the sale, distribution, or possession with intent to sell or distribute any visual depiction involving the sexual exploitation of a minor, or (2) the receipt, transportation, or possession of such material if the defendant received, transported or possessed a substantial quantity of such material.

THE 1991 SENTENCING COMMISSION AMENDMENTS TO CHILD PORNOGRAPHY GUIDELINES

§2G2.1. Sexually Exploiting a Minor by Production of Sexually Explicit Visual or Printed Material; Custodian Permitting Minor to Engage in Sexually Explicit Conduct; Advertisement for Minors to Engage in Production.

(a) Base Offense Level: 25

(b) Specific Offense Characteristics

(1) If the offense involved a minor under the age of twelve years, increase by 4 levels; otherwise, if the offense involved a minor under the age of sixteen years, increase by 2 levels.

(2) If the defendant was a parent, relative, or legal guardian of the minor involved in the offense, or if the minor was otherwise in the custody, care, or supervisory control of the defendant, increase by 2 levels.

(c) Special Instructions

(1) If the offense involved the exploitation of more than one minor, Chapter Three, Part D (Multiple Counts) shall be applied as if the exploitation of each minor had been contained in a separate count of conviction.

COMMENTARY

Statutory Provisions: 18 U.S.C. §2251(a), (b), (c)(1)(B).

Application Notes:

1. For the purposes of Chapter Three, Part D (Multiple Counts), each minor exploited is to be treated as a separate victim. Consequently, multiple counts involving the exploitation of different minors are not to be grouped together under §3D1.2 (Groups of Closely-Related Counts). Special instruction (c)(1) directs that if the relevant conduct of an offense of conviction includes more than one minor being exploited, whether specifically cited in the count of conviction or not, each such minor shall be treated as if contained in a separate count of conviction.

2. Subsection (b)(2) is intended to have broad application and includes offenses involving a minor entrusted to the defendant, whether temporarily or permanently. For example, teachers, day care providers, babysitters, or other temporary caretakers are among those who would be subject to this enhancement. In determining whether to apply this adjustment, the court should look to the actual relationship that existed between the defendant and the child and not simply to the legal status of the defendant-child relationship.

3. If the adjustment in subsection (b)(2) applies, do not apply §3B1.3 (Abuse of Position of Trust of Use of Special Skill).

§2G2.2. Trafficking in Material Involving the Sexual Exploitation of a Minor; Receiving, Transporting, Advertising, or Possessing Material Involving the Sexual Exploitation of a Minor with Intent to Traffic.

(a) Base Offense Level: 13.

(b) Specific Offense Characteristics—

(1) If the material involved a prepubescent minor or a minor under the age of twelve years, increase by 2 levels.

(2) If the offense involved distribution, increase by the number of levels from the table in §2F1.1 corresponding to the retail value of the material, but in no event less than 5 levels.

(3) If the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence, increase by 4 levels.

(c) Cross Reference—

(1) If the offense involved causing, transporting, permitting, or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, apply §2G2.1 (Sexually Exploiting a Minor by Production of Sexually Explicit Visual or Printed Material; Custodian Permitting Minor to Engage in Sexually Explicit Conduct; Advertisement for Minors to Engage in Production) if the resulting offense level is greater than that determined above.

COMMENTARY

Statutory Provisions: 18 U.S.C. §§2251(c)(1)(A), 2252.

Application Notes:

1. "Distribution," as used in this guideline, includes any act related to distribution for pecuniary gain, including production, transportation, and possession with intent to distribute.

2. "Sexually explicit conduct," as used in this guideline, has the meaning set forth in 18 U.S.C. §2256.

3. The cross reference in (c)(1) is to be construed broadly to include all instances where the offense involved employing, using, persuading, inducing, enticing, coercing, transporting, permitting, or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

4. If the defendant sexually abused a minor at any time, whether or not such sexual abuse occurred during the course of the offense, an upward departure is warranted. In determining the extent of such a departure, the court should take into consideration the offense levels provided in §§2.A3.1, 2.A3.2 and 2.A3.4 most commensurate with the defendant's conduct.

§2G2.4. Receipt or Possession of Materials Depicting a Minor Engaged in Sexually Explicit Conduct.

(a) Base Offense Level: 10.

(b) Specific Offense Characteristic—

(1) If the material involved a prepubescent minor or a minor under the age of twelve years, increase by 2 levels.

(c) Cross References—

(1) If the offense involved causing, transporting, permitting, or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, apply §2G2.1 (Sexually Exploiting a Minor by Production of Sexually Explicit Visual or Printed Material; Custodian Permitting Minor to Engage in Sexually Explicit Conduct; Advertisement for Minors to Engage in Production).

(2) If the offense involved trafficking in material involving the sexual exploitation of a minor (including receiving, transporting, advertising, or possessing material involving the sexual exploitation of a minor with intent to traffic), apply §2G2.2 (Trafficking in Material Involving the Sexual Exploitation of a Minor; Receiving, Transporting, Advertising, or Possessing Material Involving the Sexual Exploitation of a Minor with Intent to Traffic).

COMMENTARY

Statutory Provision: 18 U.S.C. §2252.

Application Note:

1. This guideline assumes that the offense involved a small number of prohibited items. If the defendant possessed 50 or more books, magazines, periodicals, films, video tapes, or other items containing a visual depiction involving the sexual exploitation of a minor, and subsection (c)(1) or (c)(2) does not apply, an upward departure may be warranted.

OFFICE OF THE ARCHBISHOP,
Los Angeles, CA, August 1, 1991.

Hon. EDWARD ROYBAL,
House of Representatives, RHOB, Washington, DC.

DEAR CONGRESSMAN ROYBAL: I am writing in order to elicit your support for the Helms/Thurmond Child Pornography Amendment to the 1990 crime bill which is dealing with the whole question of the possession of child pornography.

Since you are the senior House Democrat on the Conference Committee, your position is extremely important to all of us in seeing that the Helms/Thurmond Amendment remains part of the Conference Committee's work on the overall crime bill.

Thanking you for your leadership in this important area of public law, and with kindest personal regards, I am

Sincerely yours in Christ,

CARDINAL ROGER MAHONY,
Archbishop of Los Angeles.

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Mr. ROYBAL. Mr. Speaker, the issues concerning the sentencing of those involved in child pornography are fairly complex. I think the conferees should review both letters, but particularly that of the chairman of the Sen-

tencing Commission, prior to making any final decision on the language to be included in the bill. I will not oppose the instructions, because I believe that we all share a desire to do what has to be done to stop this horrible exploitation of children. It should be done effectively, with modified language approved by the conferees.

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

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I rise to urge my colleagues to approve the motion to instruct the conferees to agree to the Senate amendment providing increased penalties for child pornography offenses under Federal sentencing guidelines.

The Senate amendment makes several important changes to Federal sentencing guidelines for child pornography offenses. First and foremost, it reverses a decision by the Sentencing Commission to lower penalties for certain forms of trafficking in child pornography.

Second, the amendment provides substantial penalties for those who both traffic in child pornography and have engaged in a pattern of activity involving the sexual abuse of a child.

Finally, the Senate amendment would provide an increase in penalties for trafficking in child pornography and other similar offenses that ensure all those convicted of sexually exploiting young children serve some time behind bars.

The offenses covered by the Senate amendment are very serious. Children who fall prey to pornographers are victimized twice over. In the first instance, the production of child pornography always involves the sexual abuse or exploitation of a child. That crime in-and-of-itself can have devastating, long-term consequences for the young victim.

Where the act of abuse has been recorded on film, videotape, or some other means of depiction, however, the harm to the victim is substantially amplified. As Justice Byron White wrote in the case of New York versus Ferber, pornographic films and photographs constitute a "permanent record" of the sexual abuse through which the child has suffered and which can haunt that child well into adulthood.

The existence of such a record and its potential circulation through national, and in some instances even international, chains of distribution can serve only to deepen the emotional and psychological wounds of the child victim.

The circulation and possession of child pornography causes other harm as well. Most experts agree that there is a very high degree of correlation between those who desire to receive and possess child pornography and those who engage in the sexual molestation of young children.

A 1986 Senate report found that "[n]o single characteristic of pedophilia is more pervasive than the obsession with child pornography."

According to the report, it is not unusual for those who sexually molest young children "to possess collections containing several thousand photographs, slides, films, videotapes, and magazines depicting nude children and children engaged in a variety of sexual activity." Moreover, the report concluded that "the distribution of child pornography in the United States is largely carried out by individual pedophiles, who produce this material and trade it among themselves or order it through the mail from other countries."

The final report of the Attorney General's Commission on Pornography also addressed the question of the relationship between the sexual abuse of children and child pornography. That report found that a "significant aspect of the trade in child pornography, and the way in which it is unique, is that a great deal of this trade involves photographs taken by child abusers themselves, and then either kept or informally distributed to other child abusers."

Perhaps even more disturbing was the report's finding that "there is substantial evidence that photographs of children engaged in sexual activity are used as tools for further molestation of other children."

Given that those who receive child pornography through the mails are often also involved in the actual sexual abuse of children—or at the very least meet the psychological profile of those likely to engage in molesting children—it seems incredible that the Sentencing Commission would reduce penalties for such offenders. Yet that is exactly what the Commission proposed to do and what the Senate amendment would prevent.

The Congress has spoken to the issue of child pornography and the sexual exploitation of children repeatedly over the last 15 years. Each time, our legislative effort has emphasized the seriousness of those offenses. Just last year, Congress attempted to strengthen Federal laws by enacting legislation that would make it a crime, subject to substantial penalties—not only to traffic in child pornography—but simply to possess such materials as well.

I was surprised, to say the least, when I learned that the Sentencing Commission used the enactment of that legislation as a pretext to lower penalties for certain forms of trafficking in child pornography. Never in a million years would I have guessed that my vote to make possession illegal would be interpreted by bureaucrats at the Commission as a vote to lower penalties for trafficking. Yet that is exactly what happened.

In the future, I would hope that we could rely upon the Sentencing Commission to promulgate guidelines that fulfill, rather than frustrate, the will of Congress. In the meantime, I urge my colleagues to approve the motion to instruct the conferees to accept the Senate amendment strengthening criminal penalties for those who sexually exploit our children.

Mr. Speaker, I urge support of the motion offered by the gentleman from Virginia [Mr. WOLF].

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

Before I close, let me make a couple of comments. One, I will here insert in the RECORD a memorandum prepared by our staff in response to the Sentencing Commission letter.

The memorandum is as follows:

RESPONSE TO SENTENCING COMMISSION LETTER

"Regrettably, the debate in the Senate mischaracterized the Commission's recent actions as having reduced the guideline penalties for trafficking in child pornography. This is not correct. In point of fact, the Commission amendments assure that defendants who peddle child pornography will be sentenced as traffickers even if they successfully negotiate a plea to the lesser offense of simple possession of child pornography."

That statement is misleading. True, the amendments do provide that traffickers who plea to possession should never the less be sentenced under the trafficking guideline. However, the amendment also narrows the scope of trafficking to exclude receiving, transporting, advertising child pornography (all of which had been considered "trafficking" under the old guideline). The net result is that the penalties for receipt, transportation, and advertising of child pornography have been reduced under the amendments.

"Furthermore, through skillful plea bargaining, large-scale traffickers may be able to circumvent the nominally more severe penalties mandated by the Senate amendments by negotiating a plea to simple possession."

This is simply not true. The Commission amendments provide that where a defendant pleads guilty to possession but in fact has engaged in trafficking, the court should apply the trafficking guideline. The Senate amendment simply expands the "trafficking" to include receipt, transportation, and advertising. As a result, a plea bargain should not serve to defeat the purpose of the Senate amendment. To the extent that the language of the guidelines are unclear in producing that result, the Commission has the power to further amend the guidelines to effect the Congressional intent (a point that could be made in report language).

"In fact a number of judges had written to Commission to express the view that the offense level for the least serious forms of conduct under 2G2.2 was too severe and the Commission had failed to consider mitigating factors that warranted a lower sentence. Empirical data on non-distribution cases sentenced under 2G2.2 during fiscal year 1990 suggest many judges share this view of sentence severity. Data indicates that 34 of 88 such cases were sentenced below the appropriate guideline range. This 38 percent below-guideline sentencing rate is more than

two and one-half times the 14.4 percent downward departure rate for all guidelines in the same period."

This is very misleading and is largely contradicted by the Commission's own statistics. Under law, when judges depart from the guidelines (that is, when they impose a sentence which is either greater or lesser than the one called for under the guidelines), they must provide their reasons for doing so. According to statistics provided by the Commission to Senator Helms, of these 34 below-guidelines departures only 8 were made because the judge believed that the defendant's conduct was not "serious."[1] Thus, the number of downward departures attributable to a judge's view that receipt, transportation, or advertising for child pornography is not a serious offense is 9 percent, not 38 percent. The Commission fails to mention that their were also 9 above-guidelines departures. In four of those cases, the judge imposed a more severe sentence because of the defendants extensive criminal history, in two cases because the defendant engaged in the sexual exploitation or abuse of a minor, and in 2 cases for "other" reasons.

"[I]n keeping with the overarching congressional mandate to ensure that defendants who commit similar offense conduct are treated similarly under the guidelines, the Commission determined that the new guideline should encompass other conduct of comparable seriousness to the new statutorily-created offense (simple possession of child pornography) that was formerly sentenced under 2G2.2, including simple receipt."

This, of course, is exactly what has enraged the anti-pornography groups. Congress toughened federal pornography laws by creating a new federal offense of possessing child pornography and the Commission used that new law as a pretext for reducing penalties for conduct which had been treated as trafficking (i.e., receipt, transportation, and advertising). Surely, no member of Congress understood that by voting to create a new federal offense he would also be voting to reduce penalties for existing offenses.

If the Commission believe that treating possession differently from trafficking would produce unwarranted sentencing disparities, it could have provided penalties for possession that are as high as the penalties for receipt, transportation, and advertising (rather than lowering penalties for those offenses).

"Recognizing that receipt is a logical predicate to possession, the Commission concluded that the guideline sentence in such cases should not turn on the timing or nature of law enforcement intervention, but rather on the gravity of the underlying conduct."

The notion that "the guideline sentence should not turn on the timing or nature of enforcement intervention" is applicable to offenses where law enforcement authorities are likely to intervene before the crime has been completed. An example might be where police arrest a drug dealer before he actually makes a distribution. That approach would not seem to apply to the receipt and possession of child pornography.

Virtually all enforcement is accomplished through sting operations conducted through the mails. As a result, most offenders (even active distributors) are caught in the act of receiving child pornography out of their mail box. It makes little sense, then to suggest that enforcement authorities will intervene in the offense after the offender has taken possession of child pornography but before he has received it. If anything, the stated rationale supports treating receipt the same as distribution since distributors are likely to be caught in the act of receipt.

"In this regard, the Commission's rationalization of the offense conduct according to its severity parallels the manner in which illegal drug (or firearms) receipt and possession are treated similarly under the guidelines, while drug (or firearms) distribution or trafficking are treated more severely."

The parallel to drug and firearms offenses are at best strained. Traditionally, those who simply possess drugs (i.e., drug users) are often viewed as victims of their own addiction who should be treated differently than drug traffickers. This was the overriding Congressional concern when the drug possession statute (21 U.S.C. 844) was first enacted in 1970. As a result, drug possession is a misdemeanor under federal law whereas trafficking carries far more severe penalties (up to a mandatory term of life imprisonment) depending on the type and amount of drugs involved in the offense. There is not really a serious argument that a similar distinction exists between child pornography "users" and child pornography "traffickers."

Unlike either child pornography or drugs, the possession, receipt, and distribution of firearms is lawful under many (perhaps most) circumstances. Many violations of federal firearms statutes (particularly those involving receipt and possession) are technical in nature committed by defendants who, despite their technical violation of the law, nevertheless seek to possess or receive firearms for otherwise lawful purposes (e.g., hunting). Again, there is no serious argument that those receiving or possessing child pornography are in a parallel position.

"[T]he [Senate] amendment would require the Commission to provide sentences that are 25 percent more severe if the defendant transports one prohibited magazine across state lines than if he is apprehended with nine child pornography movies in his home."

That result is inherent in distinguishing between possession and trafficking. An individual who possesses a small amount of heroin is guilty of a misdemeanor, whereas an individual who trafficks in the same amount is guilty of a felony.

"The sentencing significance of [providing a base offense level of 10] is that a first offender who violates 18 U.S.C. 2252(a)(4) by possessing three items depicting a prepubescent child and who manifests remorse will be subject to a guideline range of 6–12 months imprisonment. A sentence of probation is only permitted in such circumstances if the defendant, as a condition of probation, loses his liberty for at least six months in jail, community confinement, or home detention."

It is important to recognize that under current sentencing practices a first offender sentenced under the guideline amendment for possession of pornography depicting very young children is unlikely to serve any prison time. The most likely result is a sentence to 6 months of home confinement (i.e., house arrest). Persons sentenced to home confinement are generally free to leave their homes to go to work, to attend to necessary chores such as buying groceries, visiting physicians, dentists, etc. Of course, while at home, their are no limitations on the offender's access to the normal conveniences of home (i.e., television, VCR, stereo, etc.). One purpose of the Senate amendment was to ensure that even first-time violators of Federal child pornography possession laws—particularly where materials depicting very young children are involved—spend at least a short amount of time behind bars. While that is theoretically possible under the Commission's amendment, it is an unlikely result.

"If the conferees determine that a directive to the Commission is needed in this area, I recommend consideration of the attached substitute provision."

The Commission-proposed substitute is objectionable for several reasons. First, it requires only that the Commission "review and amend as necessary the sentencing guidelines pertaining to child pornography." Under the substitute, the Commission is free to determine for itself whether any further amendment to those guidelines is necessary. Second, it requires the Commission to "ensure a substantial term of imprisonment" under the guidelines for individuals convicted of child pornography offenses without stating what constitutes "substantial." Further, and perhaps most objectionable, the Commission substitute perpetuates the distinction between distribution on the one hand and receipt, transportation, and advertising on the other. It was precisely that issue which drew fire from the anti-child pornography groups and the Justice Department. Thus, even if the Commission did take action pursuant to the substitute amendment, the terms of the amendment would prevent the Commission from taking action acceptable to the anti-child pornography groups and the Justice Department.

Mr. WOLF. Second, Mr. Speaker, I want to remind all Members that this passed the Senate by a vote of 99 to 0.

Mr. Speaker, third, it is supported by all the major religious groups in the United States, the Catholic Cardinals Conference, the Bishops Conference, all the different religious denominations across the board. I will insert in the RECORD at this time the names of those organizations, as follows:

RELIGIOUS ALLIANCE AGAINST PORNOGRAPHY

COOPERATIVE

Mrs. Jacqueline G. Wexler, President, Retired National Conference of Christians and Jews.

GREEK ORTHODOX

His Eminence Archbishop Iakovos, Primate, Archdiocese of North and South America.

Bishop Philip of Daphnousia, Archdiocese of North and South America.

Reverend Milton B. Efthimiou, Archdiocese of North and South America.

JEWISH

Rabbi Marc H. Tanenbaum.

Rabbi Mordecai Waxman.

Rabbi Walter S. Wurzburger.

PROTESTANT

Rev. James E. Andrews, Stated Clerk, Presbyterian Church (USA).

[1] Of the remaining below-guideline departures, 7 were made because the defendant provided substantial assistance to law enforcement efforts, 12 were made because of the defendant's age, infirmity, or diminished capacity, and 8 were made for "other" reasons. None of these categories have anything to do with the severity of the defendant's conduct. Where a departure is made because the defendant assisted law enforcement efforts, it is the quality of his assistance—not the severity of his offense conduct—that counts. So too, where the defendant suffers from diminished capacity, etc., his criminal conduct may be very serious. The judge's decision to impose a lesser sentence, however, focuses on the defendant's relatively reduced culpability. Finally, there is no reason to believe that the 8 cases falling in the "other" category involved considerations going to the severity of the offense conduct.

Bishop George W. Bashore, Bishop of Western Pennsylvania, United Methodist Church.

Dr. Harold C. Bennett, President & Treasurer, Executive Committee, Southern Baptist Convention.

Mrs. Sarah Blanken, Vice President, Women's Leadership, National Coalition Against Pornography.

Dr. Ralph A. Bohlmann, President, The Lutheran Church-Missouri Synod.

Bishop Voy M. Bullen, General Overseer, The Church of God.

Dr. G. Raymond Carlson, General Superintendent, Assemblies of God.

Rev. Clifford R. Christensen, Conference Minister, Conservative Congregation, Christian Conference.

Dr. Raymond E. Crowley, General Overseer, Church of God (Cleveland, TN).

Rev. L. Edward Davis, Stated Clerk, Evangelical Presbyterian Church.

Dr. James Dobson, President, Focus on the Family.

Bishop Paul A. Duffey, Secretary, Council of Bishops, United Methodist Church.

Dr. Steve F. Flatt, Minister, Madison Church of Christ.

Bishop William Frey, The Episcopal Church.

Dr. Archer R. Goldie, Secretary, N. Amer. Baptist Fellowship, Baptist World Alliance.

Dr. Ray H. Hughes, First Assistant/General Overseer, Church of God (Cleveland, TN).

Dr. B. Edgar Johnson, General Secretary, Church of the Nazarene.

Dr. William A Jones, President, National Conference of Black Pastors.

Rev. Dean M. Kelley, Director of Religious & Civil Liberties, National Council of Churches.

Dr. Jerry R. Kirk, President, National Coalition Against Pornography.

Dr. Richard Land, Executive Director, Christian Life Commission, Southern Baptist Convention.

Mr. James M. Lapp, Executive Secretary, General Board, The Mennonite Church.

Dr. Eileen W. Lindner, Associate General Secretary, National Council of Churches.

Chief John Maracle, Chief of North American, Native Christian Council.

Bishop George Dallas McKinney, Bishop of Southern California, Church of God in Christ.

Dr. Thomas A. McDill, President, Evangelical Free Church in America.

Dr. Billy Melvin, Executive Director, National Association of Evangelicals.

Commissioner Andrew S. Miller, The Salvation Army, Retired.

Dr. Edwin G. Mulder, General Secretary, Reformed Church in America.

Mr. David H. Northup, Executive Vice President, Advent Christian General Conference.

Commissioner James Osborne, National Commander, The Salvation Army.

Mr. Matt Parker, President, Institute for Black Family Development.

Mr. Vern Preheim, General Secretary, General Conference Mennonite Church.

Dr. Adrian Rogers, Former President, Southern Baptist Convention.

Dr. Oscar Romo, Director, Div. of Language Missions, Southern Baptist Convention.

Dr. Mary O. Ross, President, Women's Conv. Auxiliary, National Baptist Convention, U.S.A., Inc.

Rev. Don Sauls, General Superintendent, Pentecostal Free Will Baptist Church.

Dr. R. Donald Shafer, General Secretary, Brethren in Christ Church.

Rev. Ray E. Smith, General Superintendent, Open Bible Standard Churches, Inc.

Dr. Glen O. Spence, Executive Director, General Association of General Baptists.

Dr. Everett Stenhouse, Assistant General Superintendent, Assemblies of God.

Dr. Mary Ruthstone, Secretary, Women's Commission, National Association of Evangelicals.

Dr. Paul Tanner, Executive Secretary, Retired, Church of God (Anderson, IN).

Bishop Clyde E. Van Valin, Free Methodist Church of North America.

Rev. Vilis Varsbergs, President, Latvian Evangelical Lutheran, Church in America.

Dr. Daniel E. Weiss, General Secretary, American Baptist Churches, U.S.A.

Dr. John H. White, President, Retired, National Association of Evangelicals.

Dr. Melvin L. Worthington, Executive Secretary, National Association of Free Will Baptists.

Rev. Donald E. Wrigley, President, Advent Christian General Conference.

ROMAN CATHOLIC

His Eminence Joseph Cardinal Bernardin, Archbishop of Chicago.

His Eminence John Carninal Krol, Archbishop of Philadelphia, Retired.

His Eminence Bernard Cardinal Law, Archbishop of Boston.

His Eminence Roger Cardinal Mahony, Archbishop of Los Angeles.

His Eminence John Cardinal O'Connor, Archbishop of New York.

Most Rev. James W. Malone, Former President, National Conference of Catholic Bishops.

Most Rev. Daniel E. Pilarczk, President, National Conference of Catholic Bishops.

Bishop Robert J. Banks, Auxiliary Bishop of Boston.

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Elder John K. Carmack, First Qurom of the Seventy.

Dr. Richard P. Lindsay, Second Quorum of the Seventy.

Mr. Bruce Olsen, Managing Director, Public Affairs.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct conferees.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Virginia [Mr. WOLF].

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

Mr. WOLF. Mr. Speaker, I object to the vote on the ground 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 414, nays 0, not voting 18, as follows:

[Roll No. 271]

YEAS—414

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
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
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)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
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
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula

Rhodes	Shays	Thornton
Richardson	Shuster	Torres
Ridge	Sikorski	Torricelli
Riggs	Sisisky	Towns
Rinaldo	Skaggs	Traficant
Ritter	Skeen	Traxler
Roberts	Skelton	Unsoeld
Roe	Slattery	Upton
Roemer	Slaughter (NY)	Valentine
Rogers	Smith (FL)	Vander Jagt
Rohrabacher	Smith (IA)	Vento
Ros-Lehtinen	Smith (OR)	Visclosky
Rose	Smith (TX)	Volkmer
Rostenkowski	Snowe	Vucanovich
Roth	Solarz	Walker
Roukema	Solomon	Walsh
Rowland	Spence	Washington
Roybal	Spratt	Waters
Russo	Stallings	Weber
Sabo	Stark	Weiss
Sanders	Stearns	Weldon
Sangmeister	Stenholm	Wheat
Santorum	Studds	Whitten
Sarpalius	Stump	Williams
Savage	Sundquist	Wilson
Sawyer	Swett	Wise
Saxton	Swift	Wolf
Schaefer	Synar	Wolpe
Scheuer	Tallon	Wyden
Schiff	Tanner	Wylie
Schroeder	Tauzin	Yates
Schulze	Taylor (MS)	Yatron
Schumer	Taylor (NC)	Young (AK)
Sensenbrenner	Thomas (CA)	Young (FL)
Serrano	Thomas (GA)	Zeliff
Sharp	Thomas (WY)	Zimmer

NAYS—0

NOT VOTING—18

Bentley	Hefner	Shaw
Boxer	Hopkins	Slaughter (VA)
Callahan	Hyde	Smith (NJ)
de la Garza	Levine (CA)	Staggers
Ford (TN)	McCloskey	Stokes
Gaydos	Mrazek	Waxman

□ 1433

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DONNELLY). The Speaker shall appoint conferees on his return to the chair.

REMOVAL OF NAME OF MEMBER AS A COSPONSOR OF HOUSE RESOLUTION 194

Ms. SLAUGHTER of New York. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 194.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GREEN OF NEW YORK

Mr. GREEN of New York. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. GREEN of New York moves that the managers on the part of the House, at the conference of the disagreeing votes of the two Houses on the bill, H.R. 2686, be instructed to disagree to the amendment of the Senate numbered 182.

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, I have a motion to instruct conferees which I would like to offer to the House, so may I inquire, how would I proceed to do that?

The SPEAKER pro tempore. Under the rules of the House, the gentleman from New York [Mr. GREEN], being a minority member of the committee and the ranking member of the subcommittee, has been recognized, and he was standing. The House would have to vote down the previous question on the motion offered by the gentleman from New York [Mr. GREEN].

Mr. DANNEMEYER. Then, if I may pose a further parliamentary inquiry, how much time will be allocated to this motion to instruct?

The SPEAKER pro tempore. The Chair will inquire, is the gentleman from Illinois [Mr. YATES] in support of the motion?

Mr. YATES. I am, Mr. Speaker.

The SPEAKER pro tempore. Since the gentleman is in support of the motion the gentleman from New York [Mr. GREEN] will be recognized for 20 minutes, the gentleman from Illinois [Mr. YATES] will be recognized for 20 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chairman recognizes the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion to instruct involves the low-income weatherization and State conservation grant programs in the Department of Energy. The House-passed bill contained a total of $247,893,000 for those programs. That included $200 million for weatherization of low-income homes. This is at the same level as in the fiscal year 1991 appropriation bill.

The Senate amendment unfortunately reduced those levels to $220,150,000, including $177,600,000 for low-income weatherization. This represents a reduction of over 11 percent or $22,400,000 from the fiscal year 1991 appropriation.

I think the Senate-proposed reduction is a very bad idea. It will be devastating to the low-income weatherization program, and I am making this motion in order to encourage the House conferees to stand by the House position and to protect the funding which the House voted for these programs.

Let me explain why I think the action of the Senate is most unwise. First, as my colleagues will remember, in addition to the funding of the low-income weatherization program from general funds, we enacted legislation which made available to States funds from recoveries for petroleum overcharge violations. Those violations occurred during the period when we had national petroleum price controls. It was a rather complicated setup, as my colleagues will remember, but when there were violations found, there were very substantial recoveries achieved which were made available so that States could use those funds to supplement the funding of this program. With the passage of time since the decontrol of oil prices, obviously there are no further violations of the petroleum price-fixing legislation. We do not have it any more, and, therefore, smaller and smaller amounts are becoming available each year as the cases remaining from the 1970's are ultimately resolved.

Second, funding for low-income heating assistance has decreased in the past several years so that money for both the payment of fuel bills and weatherization assistance, provided by that program, is not available at the same level.

Finally, even though this program has been funded for over a decade, fewer than 20 percent of eligible households—4 million of 22 million—have been weatherized through 1990.

□ 1440

Slowing the rate of expenditures will delay completion of this program even further, thus penalizing the low-income sector of our economy unnecessarily.

Moreover, Mr. Speaker, it seems to me that the weatherization program is an ideal way to achieve more efficient use of fuel, thus avoiding the environmental problems inherent in the burning of fuels, reduce our dependence on imported oil, and improve our balance of payments.

Mr. Speaker, for those reasons, I think it is very important that we continue to fund this program at least at the current level, and I therefore make this motion in order to encourage the House conferees to persuade our Senate brethren to do exactly that.

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

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

Mr. Speaker, I associate myself with all the remarks of the gentleman from New York [Mr. GREEN]. I think his

amendment is a good one, and I urge Members to accept it.

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

Mr. DANNEMEYER. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, again the House takes up the issue of taxpayer funding for trash, sometimes called pornography, sometimes called indecent art, but otherwise some say we need to continue all in the name of freedom of expression.

Last year Congress gave NEA Chairman Frohnmayer a reprieve from restrictions on funding offensive art, and asked only that he adhere to general standards of decency. But he instead said that he would not be the decency czar.

Mr. Frohnmayer is quoted in last Friday's Washington Post, that, "The NEA does not fund art that is 'patently offensive' and never will."

Mr. Speaker, let us examine whether or not what has been funded by the NEA, the National Endowment for the Arts, is consistent with what Mr. Frohnmayer, its head, says it will not do. These are examples of what was funded by taxpayer money during 1991.

"Jesus Christ Condom": A movie about an AIDS activist dressed as Jesus Christ and wearing a crown of thorns. Among his quotes are, "My mom (Mary) was a virgin and boy did she miss out. Make sure your second cumming (ejaculation) is a safe one. Use condoms." Later, an ACT-UP member crumbles the holy communion elements on the floor and steps on them.

"Poison": A movie which shows homosexual violence in prison with one prisoner stalking another and multiple glimpses of rear-entry intercourse and genital fondling. Several young men are shown humiliating another young man by repeatedly spitting into his gaping mouth.

"Tongues United": Again, this is with Federal tax dollars, in spite of the language of Mr. Frohnmayer. This is a movie about black homosexuals who are kissing and caressing each other, which contains much nudity and profanity. This was shown all over America on national public television.

Mr. YATES. Mr. Speaker, will the gentleman yield for a correction? The gentleman has stated that each of these grants was funded in 1991.

Mr. DANNEMEYER. That is the statement.

Mr. YATES. Mr. Speaker, perhaps I should correct the gentleman in my own time. I will tell the gentleman from California [Mr. DANNEMEYER] that several of these grants were not funded in 1991, but one of them, at least, was funded in 1988. This is important, because the House considered what NEA had done before last year when it passed the authorizing legislation. It decided to incorporate language to correct that in last year's legislative bill, Mr. Frohnmayer has been trying to do just that.

Mr. DANNEMEYER. Mr. Speaker, reclaiming my time, I would hope that he will come to the realization that that is what should be done. I am saying these were funded in 1991. If the gentleman from Illinois [Mr. YATES] has got evidence otherwise, he can take the time to relate to that.

Mr. Speaker, next is "A Midsummer Night's Dream": A play which opened in New York's public Central Park, which shows one actress appearing completely nude, many topless women, and men wearing only G-strings.

"Paris Is Burning": A movie which is about transsexuals and homosexuals and shows a practice called vogueing, a kind of vulgar dancing which substitutes for street fighting. Two men suck on the breast of one of the transsexuals in this movie full of nudity and profanity.

"No Trace of the Blonde": A piece of performance art by Holly Hughes which explores feminist themes using subject matter dealing with vampirism.

"Lust and Pity": A grant the NEA gave to the Alice B. Theater Company helped support the production of several homosexual plays such as "Lust and Pity."

"1991 San Francisco International Lesbian and Gay Film Festival": For the fourth year in a row, this film festival was funded by the NEA to show such movies as "Beyond Superdyke," "Why I Masturbate," "Sadomasochistic Sex and Music," and "Queers Bash Back."

Mr. Speaker, it is really a tragedy to have to stand on the floor of the House of Representatives and read some of this trash. But our taxpayer money is being used to fund this stuff, and we are the people that have the purse strings and are answerable to the people of this country as to whether we are going to continue the funding of taxpayer dollars to finance this trash.

Mr. Speaker, let me observe that President Phyllis Schlafly, Eagle Forum; Paul Weyrich, national chairman, Coalitions for America; Rev. Don Weldmon, the American Family Association; Ralph Reed, executive director, Christian Coalition; Rev. Louis P. Sheldon, president, Traditional Values Coalition; Gary Bauer, president, Family Research Council; Dr. Richard Land, executive director, Christian Life Commission of the Southern Baptist Convention; and Beverly LaHaye, president, Concerned Women for America, are all watching this vote very closely, because these organizations and many others in this country intend to bring to the attention of their constituencies what this debate is all about.

The Southern California Baptist Convention on June 4–6, 1991, adopted some language which makes very clear that they want this motion to instruct adopted.

Mr. Speaker, let me just very briefly procedurally explain where we are. Where we are right now is that in order for this Member from California to offer the motion to instruct, I will have to amend the motion of the gentleman from New York [Mr. GREEN]. I have no desire to replace the language that he seeks to have amended in this bill. I do not want to knock it out.

All I seek is to add the language that is the subject of the motion that I am talking about to this piece of legislation, this motion to instruct.

It says, very simply, notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this act may be used to promote, disseminate, or produce materials that depict or describe in a patently offensive way sexual or excretory activities or organs.

This motion was adopted in the U.S. Senate by a vote of 68 to 28. I mention that to Members as an indication of support by the Senate.

This language of "patently offensive material" has been ruled constitutional by the U.S. Supreme Court in FCC versus Pacifica, which upheld the FCC's power to enforce its definition of decency. The relevance of this argument is offered so that if somebody seeks to say that the language that I seek to have added to this motion to instruct conferees is somehow unconstitutional, it certainly is not. It has passed constitutional muster.

Mr. Speaker, for these reasons I ask that Members defeat the previous question so that this Member from California will have an opportunity to add the language that the Senate adopted by a vote of 68 to 28 to this motion to instruct.

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

Mr. GREEN of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must say that I recognize almost none of the works cited by the gentleman from California [Mr. DANNEMEYER], but I did recognize one of them, "Midsummer Night's Dream." The "Midsummer Night's Dream" to which the gentleman refers was indeed performed in Central Park as part of the city's and Joseph Papp's free Shakespeare program. It was William Shakespeare's "Midsummer Night's Dream." It was performed by a very respected Brazilian Theater Company, and it was performed in Portuguese.

Mr. Speaker, I do not think by any stretch of the imagination it was obscene. It got mixed reviews, but certainly it was treated seriously by all the theater critics who saw it. Plainly, when it was being given in Portuguese, it was not pandering to any mass audience. So I think the one case that the

gentleman from California [Mr. DANNEMEYER] refers to with which I am familiar really does not make his case.

□ 1450

Let me simply, instead of getting into the debate we had for several years, urge my colleagues to support the motion for the previous question so that we do not have to get into that morass.

The fact of the matter is that this issue was considered in the last Congress where it should be considered, on the authorizing legislation. After expensive work in committee and after extensive debate on the floor, we passed reauthorizing legislation for the National Endowments which responded to the concerns that Members had had as to grants that had been previously made.

That work was done and it was done as it should be done, by the Congress of the United States through thoughtful authorizing legislation.

A motion to instruct conferees on an appropriations bill is certainly not the place to reopen that complicated and emotionally charged debate. There are other times when Members have gotten up on this floor and said, "I have had little choice but to offer a rider on an appropriations bill because the authorizing committee just brings nothing to the floor that addresses the issue." That did not happen in this case.

The authorizing committee did its work and brought legislation to the floor. We debated this issue, and we resolved it. We should not now get this appropriation bill enmeshed in that debate once again.

I particularly plead with my colleagues to approve the motion for the previous question because inevitably, if the gentleman from California prevails, the motion that I have offered, which I think is a straightforward one addressing a most serious issue, one involving poor people, one involving the environment, involving our economy and the balance of payments. That motion, which I wish to make, though it will not be deleted by the gentleman from California, would inevitably be coupled with this other highly controversial and emotional instruction that he wishes to offer. And in the end, we would not have a clear-cut vote on the motion that I seek to offer.

So I urge my colleagues to approve the previous question and to support my motion to instruct.

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

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, it is not my purpose to challenge anyone not to support the National Endowment for the Arts. If a colleague had asked me a year ago if I would vote for the NEA, I probably would have thrown that colleague out the window because of the problem of funding obscene art. I sat and listened on the House floor to the debate and tried to enter into the discussion with an open mind. I looked in my own city, where there are positive benefits from the NEA—such things as the Old Globe Theater and San Diego Symphony. I witnessed three Christian plays this year that were sponsored and paid for by the National Endowment for the Arts, and I tried to make the judgment based on that.

I was assured that the type of Mapplethorpe art and the type of art that the gentleman from California [Mr. DANNEMEYER] mentioned would not be funded in the future.

Regardless of whether they were funded in 1989 or 1991, some of these excesses have been funded.

We have problems in the military. We have problems in almost every account that we work on. But does that mean we should not fund them? No. So I support the National Endowment of the Arts. But I want to tell my colleagues, I will have a very difficult time in the future supporting the NEA if this type of language is allowed. I would not take away anything from the amendment of the gentleman from New York. As a matter of fact, I support it.

I do not think to send a message to the conferees on an item like this detracts from it.

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

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, what does the gentleman mean when he says "if this type of language is allowed"? He cannot support it if this type of language is allowed. To what does the gentleman refer?

Mr. CUNNINGHAM. Mr. Speaker, if the continuous display of obscene art is allowed to be upheld and continue with National Endowment of the Arts funding, one of the things I would like to like to do is to send a message to the conferees. And I do not think there is a single Member on either side of this question that wants to see obscene art.

Mr. YATES. If the gentleman will continue to yield, he is absolutely right.

Mr. CUNNINGHAM. Then why not send a message to the conferees saying that we support that.

Mr. YATES. Mr. Speaker, we already have. Is the gentleman aware of the language that we adopted last year in the legislative bill authorizing the continuation of the NEA?

Mr. CUNNINGHAM. Mr. Speaker, I am, yes. However, this evidently has not taken like a vaccination because the same kind of things are being portrayed on our television screens and in our playhouses today. We are still faced with problems in the NEA. I wish we could curb them and I think this amendment is a step in the right direction.

Mr. YATES. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the gentleman is absolutely wrong, and I say that the gentleman is wrong because last year, if I remember some of the speeches that the gentleman from California [Mr. DANNEMEYER] made over the course of several years—and I must say I have difficulty remembering some of them—but if my memory is correct, he objected to the NEA making grants to a woman who smeared chocolate on her body. I think he used that as one of the examples, and to a person, an applicant who was urinating on the stage.

Let me point out to the gentleman that John Frohnmayer is now the defendant in a suit by those two applicants who are claiming that John Frohnmayer did wrong in turning down their grants.

Was the gentleman aware of the fact that Frohnmayer was being sued by them? Was the gentleman aware of the fact that Frohnmayer had denied those grants?

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

Mr. YATES. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I am aware. However, if this type of art still exists, then all this does is send another amendment, a message to the conferees that this House does not want to support pornographic art in television or movies. That is what I support.

Mr. YATES. Mr. Speaker, that is not what the amendment says. Let me point out what the language last year said.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman would continue to yield, I am a freshman Congressman. I was not here for the debate, but I am familiar with it.

Mr. YATES. Mr. Speaker, let me point out what the language is. This is the language that was adopted last year.

No payment shall be made under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations issued and procedures established by the Chairman. In establishing such regulations and procedures, the Chairman shall ensure,

I point out to the gentleman from California the use of the word "ensure."

* * * that artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

Would the gentleman agree with me that standards of decency and respect for the diverse beliefs and values of the American public would include the langauge of the so-called Helms amendment?

Mr. CUNNINGHAM. Mr. Speaker, it depends on how far one goes with diverse.

Mr. YATES. Mr. Speaker, I will say to the gentleman in response to that, the amendment which the gentleman from California seems to sustain uses the phrase "that is patently offensive to the public."

Mr. CUNNINGHAM. Mr. Speaker, this was in the Senate language.

Mr. YATES. This was in the Senate language.

I ask the gentleman, which language is stronger? To me it is stronger to have language which requires adherence to standards of general decency that, one, limits and language, two, grants or applications that are not patently offensive because of depictions of sexual organs or sexually explicit material.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will continue to yield, I agree with him. There is nothing wrong in this House giving a message of sending both languages to the conferees to state that we do not uphold this type of pornographic art, and this has been shown this year on television.

Mr. YATES. How many types of formulations of words would the gentleman want to make in order to convey that idea?

Mr. CUNNINGHAM. Mr. Speaker, however many it takes to stop it.

Mr. YATES. Mr. Speaker, it is being stopped. I just told the gentleman of two applicants to whom the gentleman from California objected getting grants who are suing in order to have their grants. He turned them down.

As a matter of fact, several of the groups by which the gentleman from California [Mr. DANNEMEYER] is supported have objected to Mr. John Frohnmayer rather than to anything else. It is not to the grants. They do not like the job he is doing.

□ 1500

It is almost impossible for Mr. Frohnmayer to do the job that all of us want Mr. Frohnmayer to do because our standards of what we believe is acceptable by the public vary from person to person.

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

Mr. YATES. Sure, I yield to the gentleman from California.

Mr. DANNEMEYER. The gentleman is correct. Last year Congress adopted the standard. Last year Congress adopted the standard that says that the grants of the NEA had to adhere to the general standards of decency. That was the test. And I read into the RECORD what has filtered through that test. This trash that I have described has been paid for, notwithstanding the mandate that was given to Mr. Frohnmayer to observe general standards of decency. That is why we need this instruction.

Mr. YATES. I will tell the gentleman in response that his information is a little bit incorrect. I already told the gentleman about one of the grants to which he referred as being given in 1988 before Mr. Frohnmayer even became the administrator. And I will point out to the gentleman that somebody told me as they walked into the House that there were some people out there who were showing some of the Members when they came in some Mapplethorpe photos, and the House dealt with that last year as well. That was a grant that took place previously.

So Mr. Frohnmayer is doing an adequate job, the kind of job that everyone wants done. So I say to the gentleman, to both gentlemen from California, incidentally, what is it about Orange County that unites you?

Mr. DANNEMEYER. He is welcome to come to Orange County any time, but he happens to be from San Diego County. But it is close. It is close.

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

Mr. YATES. I yield to the gentleman from San Diego County.

Mr. CUNNINGHAM. Mr. Speaker, would the gentleman agree to do a Dear Colleague letter with me stating to all Members that we do not support on the House floor obscene art such as listed here?

Mr. YATES. Let me read further. The vote for this language was overwhelming last year. But let me point this out. Listen to this further language of what we adopted last year. This was obviously before the gentleman became a Member:

> Applications are consistent with the purposes of this section where such regulations and procedures shall clearly indicate that obscenity is without artistic merit.

That is in the language of the law now. And:

> Is not protected speech, and shall not be funded.

How much clearer does the gentleman want to be than the language that I have just read?

It goes on, "Projects, productions, workshops and programs that are determined to be obscene."

Mr. CUNNINGHAM. Sir, there is no stronger message than cutting funds.

Mr. YATES. Let me finish what I am going to say. The gentleman wanted us to agree on the fact that we are not for obscenity. That is what this language that is now in the law says:

> Projects, productions, workshops and programs that are determined to be obscene are prohibited from receiving financial assistance under this Act from the National Endowment.

Could there be anything that was more explicit than that?

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

Mr. YATES. I yield to the gentleman from California for just a moment, and then I will come back to the other gentleman.

Mr. DANNEMEYER. Mr. Speaker, the gentleman made reference to this and I will say it again. When I made my opening comments I made reference to eight different either movies or plays that were funded in 1991. The gentleman said I made a mistake on one of them, one of the eight. My question is how did the other seven pass this filter of conforming to general standards of decency? Is the gentleman from Illinois suggesting that what I describe in seven of those eight conforms to the general standards of decency?

Mr. YATES. I am stating to the gentleman that Mr. Frohmayer has examined those, and he is well aware of the language that Congress put into the act last year. I will tell the gentleman that as far as general standards of decency are concerned, that phraseology in and of itself, coupled by the additional language that I read to the gentleman from California, from San Diego and Orange Counties, you could not make it more direct than in that language. And the addition of the language of the so-called Helms amendment will not improve that language. As a matter of fact, it might confuse the language more.

Mr. CUNNINGHAM. Would the gentleman yield?

Mr. YATES. I yield to the gentleman from San Diego.

Mr. CUNNINGHAM. One of the loudest messages that this body can send to anybody is cutting off their funds. We have found that if you threaten somebody's funds they are going to change, and to me what my friend from California is stating, through the filter such things as "Beyond Superdyke," "Why I Masturbate," "Sex and Music," "Queers Bash Back," those are the kinds of things that we need to restrict.

Mr. DANNEMEYER. Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I came to this body in 1985. One of the first efforts that we started in 1985 was this issue, because we had seen in 1984 that there were grants just like these being made to extremist, and I use the word very loosely, "artists," and the representative from Texas, Mr. ARMEY, and I were very upset with what kind of art was being funded and supported by my constituents' tax money. And we took on this issue, and we worked out sort of an agreement with the chairman. And with all due respect, the gentleman from Illinois does work very very hard on this issue in trying to accommodate the Members of the House. But it is not working, It is not working. And as the distinguished chairman says, we have this wonderful language in the authorization bill that calls for general standards of decency, and Chairman Frohnmayer of the NEA does not recognize that language obviously, because last year Congress gave the

National Endowment for the Arts a raise and simply asked that they adhere to the general standards of decency.

Mr. YATES. Mr. Speaker, will the gentleman yield for a point?

Mr. DELAY. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, even if the language was accepted that was propounded by Senator HELMS in the Senate, will not Mr. Frohnmayer be required as well to interpret that language? The gentleman says he has not been doing a good job.

Mr. DELAY. If I may reclaim my time and finish my statement, then I will be glad to yield to the chairman, and I hate to cut him off but my time is short. That is the whole point. The point is that Mr. Frohnmayer has said that he would not, and he has publicly said that he will not be the "decency czar," and he continues to fund this obscenity. I think if the American taxpayer saw what we are funding with Federal taxpayer dollars, they would be outraged by what is going on, in spite of the fact that in the authorization bill we have this general standard of decency language.

I submit that as the gentleman from California has so aptly put it, the best message is through an appropriations bill. I serve on the Appropriations Committee and I know that the best message to send to a bureaucrat or to an appointed bureaucrat like Mr. Frohnmayer is to say that your funds cannot be used for this kind of smut.

In response to the gentleman from New York who said "A Midsummer Night's Dream" was just a Shakespeare festival and party in Central Park, in the open air in Central Park, this Portuguese-speaking cast was clad nude, topless and wearing G-strings out in the open air. Maybe I do not know William Shakespeare, but I do not think William Shakespeare wrote "A Midsummer Night's Dream" to be portrayed in the nude.

Today we address an issue that keeps appearing like our worst nightmare: the filth and moral degradation that a minority of alleged artists keep screaming for: taxpayer funding for the National Endowment for the "Extreme" Arts. These artists cannot practice their art without Federal moneys, they cry.

□ 1510

To me, Mr. Speaker, without Federal funding, there is no market for their efforts. If there is no market for their works, then nobody wants them. If that is the case, then why, Mr. Speaker, as representatives of the people, do we want to finance them with taxpayers' dollars?

The constitutionality of the resounding Senate approval of the Helms amendment, by a vote of 68 to 28, has been upheld by previous court decisions. The U.S. Supreme Court has used the same language found in the Helms amendment in FCC versus Pacifica, upholding the FCC's power to enforce its definition of indecency. The Supreme Court has recently held in the Rust versus Sullivan decision that the Federal Government can set conditions on the use of Federal taxpayers' dollars.

At question here is the NEA's inability to distinguish between art and obscenity.

I feel Webster summed up the idea of art quite well when he says in his dictionary that art is the conscious use of skill and creative imagination especially in the production of esthetic objects. Now, what kind of skill and creative imagination is needed to depict sexual or excretory activities or organs as the Helms amendment instructs the NEA not to fund?

Going back to Webster, he cites obscenity as disgusting to the senses, repulsive, abhorrent to morality or virtue. Is this art pleasant to the eye, or does it have any, any, redeemable social value? I do not think so.

The Rust versus Sullivan decision effectively refutes the extreme view that denying taxpayers' money is a form of censorship or a limit of free speech. By restricting how these moneys are spent, the Government is not censoring free speech. It is just saying that taxpayers' dollars are not going to be spent on views that the mainstream of the American people do not share.

Let us instruct those conferees to accede to the Senate position and accept the Helms language, and we cannot do that unless we defeat the previous question.

Members, listen up, this is a vote that is going to be very closely scrutinized by people that you represent, people like Concerned Women for America, the American Family Association, the Christian Life Commission of the Southern Baptist Convention, the Christian Coalition, the Traditional Values Coalition, the Family Research Council, the Eagle Forum, and Coalitions for America.

You are not going to be able to explain this defeat of the previous question away as a procedural motion. This is the only way that we can have a vote in this House in support of the Helms amendment, and it will be looked upon as such. We are just saying, "Mr. Frohnmayer, you are not complying with the authorization bill. This is what we want, and we have a better definition of what we want."

Mr. YATES. Mr. Speaker, I yield myself 4 minutes in order that I might ask the gentleman from Texas a question.

Mr. Speaker, I take it the gentleman, using the example of the "Midsummer Night's Dream," was opposed to that grant?

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

Mr. YATES. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I would oppose a grant for producing "A Midsummer Night's Dream" in the nude in open air in Central Park, yes.

Mr. YATES. To what does the gentleman object? The fact that it was in Portuguese or the fact that there was nudity?

Mr. DELAY. The fact that there was nudity.

Mr. YATES. There is nothing in the Helms amendment that prevents that. The Helms amendment would prohibit grants that are patently offensive. Now, is it possible that the "Midsummer Night's Dream" was not patently offensive to the audience, the thousands of people who saw it, but thought that this was the proper way to depict the Shakespearean play?

Mr. DELAY. If the gentleman will yield further, I think it is patently offensive to the taxpayers of this Nation that Federal tax moneys went to produce that play, yes.

Mr. YATES. Because of the fact that some of the people may have been nude?

Mr. DELAY. No. You can have all the nude productions in Central Park in New York City that you want, just do not fund it with Federal taxpayers' dollars.

Mr. YATES. Well, will the gentleman answer another question? Is the gentleman familiar with the opera "Salome"?

Mr. DELAY. I do not think I have seen it.

Mr. YATES. Well, it is an opera under which Salome does the Dance of the Seven Veils.

Mr. DELAY. Yes, I understand. Yes.

Mr. YATES. And in some of the productions, her last veil comes off in a darkened theater, and she is in the nude, but she goes offstage quickly, but it is a way of presenting an emotional moment in that opera.

Mr. DELAY. If the gentleman will yield further, you can have Salome all you want, Mr. Chairman. The point is do not fund it with taxpayers' Federal money.

Mr. YATES. Why not? Why not if it is not an offensive rendition?

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

Mr. YATES. I yield to the gentleman from California.

Mr. DANNEMEYER. Has the gentleman ever been audited by the IRS?

Mr. YATES. Have I what?

Mr. DANNEMEYER. Have you ever been audited by the IRS?

Mr. YATES. As a taxpayer, of course I have.

Mr. DANNEMEYER. We send them out there in the name of collecting hard-earned taxpayers' money, and I think we should have a responsibility to say that we are not going to take taxpayers' dollars, as the gentleman

has said, and we are funding what some artists believe is art.

Mr. YATES. If the gentleman will permit me to respond, do you know what the cost to the taxpayers of the United States was in connection with the grant of the arts, of these, of the Mapplethorpe exhibit and the Serrano exhibit? And let me finish. One quarter of one-tenth of 1 cent in taxpayers' money.

Mr. DANNEMEYER. And we are adding four-tenths of a trillion to the national debt this year, I say to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Fourth-tenths of one-tenth of 1 percent.

Mr. DANNEMEYER. We are adding four-tenths of a trillion to the national debt, and we have no business spending money on the NEA.

Mr. GREEN of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just so my colleagues do not misunderstand about "Midsummer Night's Dream," yes, some of the actors and actresses were scantily clad, but the periods of nudity, either topless, or in the case of one character, total nudity, were brief. It was not a case that the play was performed from beginning to end in the nude and, again, I can only say that every critic who reviewed it, while some liked it and some did not, thought that it was a piece of serious theater, and certainly worthy of exhibit.

Again, this is a very highly regarded Brazilian troupe, and so I do not really see how one can fault the National Endowment for the Arts for funding "Midsummer Night's Dream." How silly can you get?

Mr. Speaker, I should like to close, as I understand I am entitled to, if anyone wants to say anything further.

Mr. DANNEMEYER. Mr. Speaker, I yield myself the remainder of my time, 3 minutes.

Mr. Speaker, I think the Members in the Chamber and those watching on our closed-circuit TV have the motion that I seek to make clearly before us, but I would like to repeat it, and perhaps if there is any misunderstanding, it can be disabused.

I seek to defeat the previous question not for the purpose of defeating the motion my colleague, the gentleman from New York [Mr. GREEN], seeks to add to this bill, but just to add an amendment to that language, and his language will survive with my amendment. I seek to aid this language that was approved by the Members of the other body by a vote of 68 to 28, that notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this act may be used to promote, disseminate, or produce materials that depict or describe in a patently offensive way, sexual or excretory activities or organs, and I suggest that that test, that language, has passed constitutional muster. It is appropriate for us as stewards of the taxpayers' funds to put this modest level of restriction in the law, because, quite candidly, the language that we put in the law last year; namely, general standards of decency, has permitted the coming into existence with Federal taxpayers' funds of these items that I read previously during my opening remarks, so that is what this motion is all about.

□ 1520

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

Mr. DANNEMEYER. I yield to my friend, the gentleman from Illinois.

Mr. YATES. Mr. Speaker, how many items did the gentleman read? He read eight, out of how many grants that were made by the NEA?

Mr. DANNEMEYER. Well, all of them were made by the NEA, and I will say to my colleague and reclaim my time, even though one, as the gentleman may claim, had been funded in the previous time, its display is being funded this year, and if it does not pass this test of patently offensive, its funding can be withdrawn anytime the people running the NEA have the determination to do that, and I will suggest they ought to get on with it.

Mr. YATES. Mr. Speaker, if the gentleman will yield further, somebody from the NEA was apparently listening to the debate. I received a message here that no money has gone to the New York Shakespeare Festival since 1989, so obviously the NEA could not have made the grant for the performance of "Midsummer Night's Dream."

Mr. DANNEMEYER. Did they make the grants for the other ones that I read?

Mr. YATES. I do not know.

Mr. DANNEMEYER. The gentleman does not know?

Mr. YATES. I will be very glad to find out. I did not know what grants the gentleman was going to come forward with, but I will be glad to supply that.

Mr. DANNEMEYER. These were funded by the National Endowment for the Arts in 1991: "Jesus Christ Condom," "Poison," "Tongues United," "Paris Is Burning," "No Trace of the Blonde," "Lust and Pity," and the 1991 San Francisco International Lesbian and Gay Film Festival.

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

Mr. Speaker, this is the annual visit of some of the more esthetic Members of our body to impose their definitions of art upon the NEA and upon the country. Every time that our Interior Committee bill is brought to the floor, there are those who want to kill the grants to the NEA. They have not been able to kill it outright, as the gentleman from Illinois [Mr. CRANE] sought to do the last time that my bill was on the floor, when he offered an amendment that would have killed all funding for the NEA; so what they are trying to do is to kill it by limitations upon the way grants may be given.

That matter was considered by the legislative committee last year. The legislative committee last year went into it thoroughly. It came out with the definitions that we have quoted as we have gone through this debate, and the legislative committee went further than that. They said the proper judge of what is obscene is the courts. The courts are the ones who pass on the question as to what is artistic freedom, what is protected under the first amendment.

When the gentleman from California [Mr. DANNEMEYER] takes the floor and says that this is obviously constitutional, I do not agree with that. The gentleman does not know whether it is, obviously, constitutional or not. That is for the courts to decide. That is why the legislative committee last year said that any grant that is questionable should be tried by the courts in determining whether artistic freedom was breached.

So I say, Mr. Speaker, how many times do we have to debate the question as to what is obscene? We have debated it now for 4 years that I know about. We have debated it in legislative bills. We have debated it in appropriation bills.

The matter affects only a minute part of the NEA, and yet its heavy hand is imprinted upon the reputation of the NEA.

I would hope that the Congress would permit the NEA to continue its functions.

Mr. Frohnmayer, in my opinion, is doing a most credible job. The fact that applicants are finding fault with Mr. Frohnmayer and the gentleman from California [Mr. DANNEMEYER] and others of his persuasion find fault with Mr. Frohnmayer is the best indication that he is doing a credible job.

So Mr. Speaker, I urge that the Green amendment be sustained and the Members of the House vote aye on this vote.

Mr. GREEN of New York. Mr. Speaker, I yield 10 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, if there is a question of accountability and if the accountability is such that these kinds of things cannot be restricted with common sense, then this gentleman will not support the NEA next year, and I know a lot of other Members who voted for it, will not support it also.

Mr. YATES. Mr. Speaker, will the gentleman yield for a reply?

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I forget what distinguished person it was who

was an Ambassador to India and tried to get a bell that would not ring on his front door corrected or fixed. He called a workman in and the workman tried and tried and could not do it.

Finally, the Ambassador turned to him and said, "My good man, why don't you use common sense?"

And the man from India said, "My dear sir, common sense is a gift of the gods and I am only a poor workman."

Mr. CUNNINGHAM. We should have common sense on this, Mr. Speaker.

Mr. GREEN of New York. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from California insists that he does not want to do anything to the motion that I want to make, which is to urge our conferees to help the poor, to help our balance of payments and to help deal with the energy problem; but inevitably what the gentleman from California will do will destroy my effort, because the fact of the matter is that if he succeeds in defeating the previous question, the debate from that point on will not be about low-income energy assistance or State grants. We are just going to have another hour of what we have been debating for this hour, and I do not think that is very constructive.

I particularly think it is not very constructive because this is an issue which was handled in the proper way in the last Congress. The authorizing committee did what authorizing committees should do. It held extensive hearings. It had extensive discussions within its ranks. It brought a bill to the floor. We debated it extensively here.

The Senate did the same thing, and finally we agreed on and passed a bill which establishes the standards that the gentleman from California says we ought to have. Those standards are in the authorizing legislation.

Under those circumstances, Mr. Speaker, there is no excuse for using a motion to instruct conferees on an appropriations bill to open up that question once again.

So, Mr. Speaker, I urge my colleagues to vote "yes" on the previous question and then vote "yes" on my motion to instruct.

Ms. OAKAR. Mr. Speaker, I rise in opposition to Representative DANNEMEYER'S efforts to instruct conferees to insist upon inclusion of the Helms amendment concerning the National Endowment for the Arts in the Interior appropriations conference agreement.

When Congress reauthorized the National Foundation for the Arts and Humanities Act in November of last year, much of the debate centered around funding methods at the National Endowment for the Arts. A detailed review of both funding processes and funding allocations were quickly made. This act included reforms which have been implemented by the Endowment. However, these reforms must be given time to work, and in so doing, will prove beneficial to our constituency.

Of the many investments the Federal Government makes in America, the National Endowment for the Arts stands out as one agency which provides one of the greatest returns to Americans at all levels of income, age, and education.

Since its inception in 1965, the National Endowment for the Arts has provided the single largest source of support for the arts. Concurrently, the number of performing arts groups has risen dramatically in this country, as has public attendance at cultural events. While the NEA does not have the financial capacity to provide funding for everyone, it does award approximately 5,000 or more grants annually to artists and nonprofit arts groups around the country.

In my hometown of Cleveland, my constituents are fortunate to be enriched by the arts. We take great pride in our orchestra, ballet, playhouses, and countless nonprofit dance and repertory theater companies, that are supported in part by our National Endowments. Just last year, the Ohio Chamber orchestra was awarded a $10,000 grant which provided programming for new audiences which mainly came from minority and low-income segments of the community. The Cleveland Musical Arts Association received an award to support educational concerts for students and daytime concerts at reduced prices. A grant was awarded to the Fairmount Theatre for the Deaf to support production costs. Mr. Speaker, these are just a few examples of the benefits the National Endowment for the Arts offers to my district.

Our federally funded arts programs are so important to the cultural wealth of this Nation. We must continue to let the National Endowment for the Arts do its fine work.

Mr. GREEN of New York. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The SPEAKER pro tempore (Mr. DONNELLY). The question is on ordering the previous question.

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

Mr. GREEN of New York. 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 taken by electronic device, and there were—yeas 213, nays 204, not voting 15, as follows:

[Roll No. 272]

YEAS—213

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bilbray
Boehlert
Bonior
Borski
Boucher
Brooks
Brown
Bryant
Bustamante
Campbell (CA)
Cardin
Carr
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gilman
Gonzalez
Gordon
Grandy
Green
Guarini
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Jefferson
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moran
Morella
Morrison
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Price
Rahall
Rangel
Reed
Richardson
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Stark
Studds
Swett
Swift
Synar
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—204

Allard
Andrews (TX)
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Browder
Bruce
Bunning
Burton
Byron
Camp
Campbell (CO)
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Costello
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodling
Goss
Gradison
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Hubbard
Huckaby
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (SD)
Johnson (TX)
Kasich
Klug
Kyl
Lagomarsino
Lancaster
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston

Lloyd	Pursell	Smith (TX)
Lowery (CA)	Quillen	Snowe
Luken	Ramstad	Solomon
Marlenee	Ravenel	Spence
Martin	Ray	Spratt
McCandless	Regula	Stallings
McCollum	Rhodes	Stearns
McCrery	Ridge	Stenholm
McEwen	Riggs	Stump
McGrath	Rinaldo	Sundquist
McMillan (NC)	Ritter	Tallon
McMillen (MD)	Roberts	Tanner
McNulty	Roemer	Tauzin
Meyers	Rogers	Taylor (MS)
Michel	Rohrabacher	Taylor (NC)
Miller (OH)	Ros-Lehtinen	Thomas (CA)
Montgomery	Roth	Thomas (GA)
Moorhead	Roukema	Thomas (WY)
Myers	Rowland	Upton
Nichols	Santorum	Vander Jagt
Ortiz	Sarpalius	Volkmer
Orton	Saxton	Vucanovich
Oxley	Schaefer	Walker
Packard	Schiff	Walsh
Parker	Schulze	Weber
Patterson	Sensenbrenner	Weldon
Paxon	Shuster	Wilson
Payne (VA)	Sisisky	Wolf
Penny	Skeen	Wylie
Petri	Skelton	Young (AK)
Pickett	Slattery	Young (FL)
Porter	Smith (NJ)	Zeliff
Poshard	Smith (OR)	Zimmer

NOT VOTING—15

Anthony	Hyde	Slaughter (VA)
Boxer	Levine (CA)	Staggers
Callahan	Mrazek	Stokes
Ford (TN)	Nagle	Valentine
Hopkins	Shaw	Washington

□ 1546

Messrs. SPRATT, JOHNSON of South Dakota, KASICH, CRAMER, PICKETT, SLATTERY, BARNARD, HALL of Ohio, and ANDREWS of Texas changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GORDON). The question is on the motion to instruct offered by the gentleman from New York [Mr. GREEN].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Speaker will appoint conferees upon his return to the chair.

APPOINTMENT OF CONFEREES ON H.R. 2942, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. COUGHLIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2942, be instructed to agree to Senate amendment No. 163, omnibus transportation employee testing.

□ 1550

The SPEAKER pro tempore (Mr. GORDON). The gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes, and the gentleman from Florida [Mr. LEHMAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. COUGHLIN].

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

Mr. Speaker, I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2942, which makes appropriations for the Department of Transportation and related agencies for fiscal year 1992, be instructed to agree to Senate amendment No. 163, which provides the statutory authority for mandatory drug and alcohol testing of transportation professionals.

Mr. Speaker, the language in Senate amendment No. 163 is identical to the Omnibus Transportation Employee Testing Act sponsored by Senators HOLLINGS and DANFORTH, which has passed the other body 11 times. Our distinguished colleague, the gentleman from New Jersey [Mr. HUGHES] and I recently introduced companion legislation in the House, H.R. 3361.

Mr. Speaker, to protect the traveling public, the Senate amendment requires testing for drug and alcohol use by the operators of aircraft, railroads, commercial motor vehicles, and mass transportation vehicles. It protects the rights of those tested by incorporating guidelines established by the Department of Health and Human Services on laboratory accuracy, as well as protections for individual privacy.

In 1989, the Department of Transportation issued final rules to require drug testing of nearly 4 million transportation workers. While this is a step in the right direction, the Senate amendment is critical if we are to provide the DOT with the statutory authority necessary to prevent court challenges. It will also permit drug testing of mass transit operators and require the DOT to supplement its program with requirements for alcohol testing.

The evidence of drug and alcohol use in the transportation industry is overwhelming. Just last month, 5 people were killed and at least 130 others were injured when a New York City subway train derailed and crashed. The motorman had a blood alcohol content of 0.21 percent, twice the legal limit in New York State, when he was tested 13 hours after the accident.

In the wake of this tragedy, I want to commend Sonny Hall, president of the Transportation Workers Union Local 100, for his public acknowledgement of the need for random testing, stating that his members "have no fear of drug or alcohol testing." Other unions have already agreed to testing procedures. It gratifies me greatly to see that union leaders who have been traditionally opposed to random drug testing are acknowledging that testing is a logical response to restore confidence in our transportation systems.

In January 1987, a crash between a Conrail freight train and an Amtrak passenger train at Chase, MD, resulted in 16 fatalities and 170 injuries. The Conrail train's engineer and brakeman subsequently testified that they had been smoking marijuana in the cab prior to the fatal accident. The National Transportation Safety Board found that a probable cause of the accident was the engineer's failure, as a result of impairment from marijuana, to stop the train in compliance with cab and wayside signals.

A recent incident involving substance abuse in the aviation industry was the conviction in 1990 of 3 Northwest Airlines pilots who had flown a jetliner with 91 passengers on board while intoxicated. Fortunately, the plane landed without incident. Two hours after the flight ended, the blood alcohol content of the crew's captain was 0.13 percent. He testified that he had drunk 20 rum and cokes the night before the flight, and it was only because airport authorities were able to test under Minnesota law that the pilots were found to be legally intoxicated.

With respect to the commercial motor carrier industry, in 1990 the National Transportation Safety Board announced the results of a 1-year study of fatal truck crashes in eight States. The NTSB found that 33 percent of the truck drivers who were killed in these crashes were drug or alcohol impaired.

These threats to public safety are why the U.S. Supreme Court has found testing programs to be constitutional.

Let me say to my colleagues that the fact is that large numbers of transportation employees work in an environment with little, if any direct supervision. A strong deterrent, such as the threat of being detected and sanctioned for drug or alcohol use, is, therefore, a necessity.

The traveling public relies upon the vigilance of trained employees to be alert to occurrences that might endanger safety. Those who drink alcohol before or while operating a vehicle, or who use illegal drugs, simply have no business holding a sensitive travel or public safety job through which they assume responsibility for the innocent lives of others.

The presence of alcohol and illegal drug use in the transportation industry poses far too serious a threat to ignore. Drug and alcohol testing is the only sure method we have to deter this and to be sure that transportation professionals will not use drugs or alcohol.

The public supports this testing. A recent Gallup poll found that 80 percent of all Americans surveyed favored testing of those in public safety positions. Moreover, the Senate amendment requires rehabilitation programs that give employees the opportunity to come forward and get help before they are identified through testing as a drug or alcohol abuser.

The need for this legislation is obvious, and the time for action is now. A similar motion to instruct passed the House overwhelmingly, in June 1988, by a vote of 377 to 27. Enactment of the Senate amendment will strengthen efforts already under way in the transportation industry.

Mr. Speaker, I urge my colleagues to once again give this motion to instruct their overwhelming, bipartisan support.

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

Mr. COUGHLIN. I yield to my distinguished colleague, the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding, and I want to commend the distinguished ranking member of the Select Committee on Narcotics for urging our support of this important measure by which we recede to the Senate's language that spells out a proper measure for drug and alcohol testing of transportation personnel. I think most of us in this body agree that people in sensitive positions should be tested, and the recent accidents certainly underscore the need for that.

Mr. Speaker, I am pleased to rise in support of this motion to instruct the transportation appropriation conferees, and I would like to commend the distinguished ranking member of the House Select Committee on Narcotics, the gentleman from Pennsylvania [Mr. COUGHLIN] and the distinguished gentleman from New Jersey [Mr. HUGHES] for their diligent efforts in bringing this antinarcotics measure to the floor.

Mr. Speaker, yesterday, the House approved a measure that authorized $51.5 million for rail safety. Today, I join my colleagues in further ensuring the safe condition of our rails and other modes of transportation. This instruction would enhance the safety of travelers by providing a fundamental component of a safe transportation system—sober, nonaddicted employees.

Mr. Speaker, last month's tragedy in the New York subway is just one of many incidents in which drug or alcohol abusing workers endangered the lives of unsuspecting, innocent passengers. When traveling, our Nation's citizens should not have to worry about the sobriety of the operator of each train, plane, bus, or subway.

Mr. Speaker, let us make certain that there are no more incidents of engineers or pilots going directly from bottle to throttle. Accordingly, I urge all my colleagues to support this instruction to conferees to mandate drug testing for transportation employees.

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

Mr. COUGHLIN. I yield to the distinguished gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding so that I can go up to the Rules Committee and report the weekly unemployment insurance bill that is coming out here in a few minutes.

Mr. Speaker, I do rise in support of this motion offered by the gentleman from Pennsylvania [Mr. COUGHLIN], and I really commend him for the outstanding work he does as the ranking Republican on the Select Committee on Narcotics Abuse and Control.

Mr. Speaker, this is a vitally needed amendment. We should support it 100 percent.

Mr. Speaker, I rise in support of the motion of the gentleman from Pennsylvania [Mr. COUGHLIN] to instruct the House conferees on H.R. 2942, the fiscal year 1992 Transportation appropriations bill. This motion would instruct our conferees to retain the Senate language providing for drug and alcohol testing of transportation personnel in safety-related jobs.

This provision, better known as the Danforth-Hollings drug testing bill for transportation employees, contains the same language as the Coughlin-Hughes-Solomon drug testing bill for transportation employees, its recently introduced companion bill in the House.

Mr. Speaker, this language will require testing for drug and alcohol abuse by the operators of aircraft, railroads, commercial motor vehicles, and mass transportation vehicles. In other words, it requires testing of individuals who perform duties which directly affect the safety and well-being of other people.

Mr. Speaker, you realize that it took a terrible subway tragedy in New York City to persuade some skeptics of the value of random testing. One of these converts is Sonny Hall, president of the Transport Workers Union Local 100, who previously opposed this type of testing but who now sees its necessity. He should be commended for his stand.

Mr. Speaker, this idea of random testing is not new, of course. You are well aware that I have favored random testing and applicant testing across the board for the past several years—in areas where safety, security, or productivity is on the line. Quite frankly, I'm disappointed that I have made proposals in this session of Congress alone which have met with mixed success at best. Who ever said the war on drugs was over? It's not. Ask any person who visits the streets of an urban city, ask any person who walks the halls of some affluent suburban high school, ask any person who is hurt physically or emotionally by someone who has been overcome with drug addiction. Mr. Speaker, they will tell you "No, the war on drugs cannot be over." They know that drugs continue to scourge our society.

Why is it, then, that 80 percent of the American public supports drug testing and yet the Congress has recently begun to shy away from this issue? I don't understand it.

Mr. Speaker, drug testing works. I've cited this next statistic many times before, and I'll cite it again. Since the Department of Defense instituted random testing, drug use within the military plummeted 82 percent, dropping from 27 percent in 1980 to 4.8 percent in 1988. The Coast Guard started random testing in 1983 and has seen a drop in drug use from 10.3 percent to 0.41 percent. This feat was no accident. After random testing was implemented, these results were achieved. Mr. Speaker, random testing works.

Mr. Speaker, the performance of transportation operators must be repeatedly monitored, because many innocent lives are resting on these individuals' skills and alertness. For this reason, I urge you to support this motion to instruct the conferees to retain the Danforth-Hollings language in the Transportation appropriations bill.

I also challenge you to support other random drug testing proposals. Don't wait until another preventable tragedy happens again. Support random testing today and let's demonstrate that the American Government lives by the same standards that it sets for the American people.

Mr. COUGHLIN. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. SOLOMON]. He has been a leader in this field.

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

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not believe this bill is the appropriate vehicle for this Senate amendment. The language that the gentleman from Pennsylvania is asking that we be instructed to agree with is a 30-plus page bill. I feel this legislation should be reviewed by the House Public Works and Transportation and Energy and Commerce Committees. It is my understanding that these committees do not support the inclusion of this language in this appropriations bill. In addition, we do not know all the implications of the Senate language. We do not know, for example, if there will be problems in administering these drug and alcohol testing programs. That being the case, I would urge the House not to accept the motion. This would allow the appropriate authorizing committees the opportunity to review this language and allow the conferees to make any adjustments to the language that may be warranted.

Mr. Speaker, I urge that the motion be defeated.

□ 1600

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. speaker, I thank the ranking member for yielding.

Mr. Speaker, having served on this committee for quite a long period of time, I think it is very important we

think of one other aspect that perhaps has not been discussed. We talked about the Conrail accident in Chase, MD, and the tragedies the press focuses in on. The fact is this has been aired publicly and has been discussed.

Mr. Speaker, I cannot think of anything worse psychologically than to have the public forum and debate take place as it has over the last 3 or 4 years, and then have something like this rejected. The message that would be sent out to America would be that it is all right for us to have mandatory drug testing in all these other areas, to have it for teachers, to have it for athletes, and not have it for someone who is responsible for your life in public transportation.

Mr. Speaker, this would send the wrong message out. I strongly support this, and urge Members do the same.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Speaker, I would like to thank the gentleman from Pennsylvania [Mr. COUGHLIN] and other Members for leading this fight in this area.

Mr. Speaker, last month, in the early morning hours of August 28, 5 people lost their lives and more than 200 people were injured because a New York subway motorman was drunk on the job. With a blood alcohol level of twice the legal limit for driving a car, the motorman conducted a train through our Nation's most populated city. The motorman overshot stations and drove the train at high speeds until the fatal moment when the train was shred in half lengthwise. Then he ran away.

How could this tragedy have been prevented? In New York City thousands of transit workers are tested each year for drugs, and maybe if the motorman was a crack addict he would have been stopped. However, the motorman had a problem with alcohol. It was common knowledge among fellow transitworkers that he drank on the job, yet because of the legal impediments to testing for drunkenness, transit workers in New York City are only tested after accidents or when a supervisor's suspicion is aroused.

This accident convinced the president of the Transit Workers Union in New York City to change his position and to support the principle of random drug and alcohol testing to restore the public's confidence.

This tragedy that took five lives, required hundreds of rescue workers 4 hours to remove all the injured passengers, and tied up commuters for days could have been avoided. The Senate language that provides for drug and alcohol testing of transportation personnel in safety-related jobs will save lives. I do not think we can afford to wait any longer.

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

Mr. Speaker, the fact is that random testing indeed does work. Since the Department of Defense instituted random testing, drug use has decreased 82 percent, dropping from 27 percent in 1980 to 4.8 percent in 1988. The Coast Guard started random testing in 1983 and has seen a drop in drug use from 10.3 percent to 0.41 percent in 1990.

These are important results. They are good results. I urge Members to support this legislation to provide for drug and alcohol testing.

Mr. LEWIS of Florida. Mr. Speaker, I rise, today, in support of the motion to instruct conferees to retain Senate language requiring drug and alcohol testing of transportation personnel in safety-related jobs.

I would also like to take this opportunity to commend the work of my distinguished colleagues the gentleman from Pennsylvania [Mr. COUGHLIN] and the gentleman from New Jersey [Mr. HUGHES] toward ensuring the safety of the American public.

Drug and alcohol related accidents are simply unacceptable. Situations such as the New York subway crash, the Northwest Airlines incident, and the Conrail-Amtrak collision can no longer be tolerated. I know that the 13.2 million Americans riding public transportation everyday, would overwhelmingly agree.

In my own State of Florida, an April Gallup poll found that more than nine-tenths of Florida workers supported drug testing for transportation workers, airline pilots, and workers in safety sensitive jobs. That's a mandate to take action, if I've ever seen one.

Clearly, we have a responsibility to ensure the safety of the traveling public. A responsibility that needs to begin here today.

I urge my colleagues to vote "yes" on the motion to instruct.

Mr. HUGHES. Mr. Speaker, I rise in support of the motion to instruct the House conferees on the transportation appropriations bill to retain the Senate language which provides for mandatory drug and alcohol testing of transportation employees who hold safety sensitive positions.

Just last week, my colleague LARRY COUGHLIN and I introduced H.R. 3361, a bill to require drug and alcohol testing of transportation workers. Our bill is identical to the measure sponsored by Senators ERNEST HOLLINGS and JOHN DANFORTH, which was included in the Senate transportation appropriations bill.

This marks the 11th time that the Senate has approved the Hollings-Danforth bill since 1987. I believe it's time for the House to join with the Senate in standing up for the rights of the traveling public by approving this language.

The operators of airplanes, trains, buses and other public vehicles have a responsibility to do their jobs free of alcohol and drugs. Unfortunately, this has not always been the case in recent years.

In January 1987, 16 people died and 170 were injured when a Conrail freight train ran through warning signals and slammed into an Amtrak passenger train in Chase, MD. Both the engineer and brakeman of the Conrail train later admitted that they were smoking marijuana at the time of the accident.

Last year, three pilots for Northwest Airlines were fired after they flew a jetliner with 90 passengers on board while intoxicated.

And just last month, 5 people died and 130 were injured in a New York City subway crash caused by a driver who had a blood-alcohol content of more than twice the legal limit some 13 hours after the accident.

The U.S. Department of Transportation has attempted to address this problem by issuing regulations which require the testing of nearly 4 million transportation workers for drugs. While I commend the DOT for its efforts, these rules simply do not go far enough. We need to include alcohol testing as part of this program, and just as importantly, Congress must put the force of law behind these regulations to avoid court challenges.

The legislation which Representative COUGHLIN and I have introduced, and which the Senate has passed, would require the Secretary of Transportation to establish a comprehensive program of drug and alcohol testing for transportation employees who hold safety sensitive positions. This would include preemployment, reasonable suspicion, random, recurring and postaccident testing.

The specific testing procedures mandated under our bill would incorporate guidelines established by the U.S. Department of Health and Human Services to assure the accuracy of the tests, as well as protections for the individuals' privacy and confidentiality of the results.

It would also require the development of rehabilitation programs for employees who are found to have used drugs or alcohol.

I realize that a drug and alcohol testing program of this magnitude will be expensive, and is not without inconvenience or sacrifice for those that are tested. Nevertheless, I believe the initiative is carefully drawn and balanced and necessary under the circumstances.

Innocent travelers have a right to know that the operators of the vehicles they are riding in are not under the influence of drugs or alcohol and are able and prepared to perform their jobs with skill and professionalism. That's just what our legislation would do, and I urge my colleagues to support this motion.

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

Mr. COUGHLIN. 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 motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. RICHARDSON). The question is on the motion to instruct offered by the gentleman from Pennsylvania [Mr. COUGHLIN].

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

Mr. COUGHLIN. 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 413, nays 5, not voting 14, as follows:

[Roll No. 273]

YEAS—413

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
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
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
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—5

Dingell
Jacobs
Lehman (FL)
Oberstar
Sabo

NOT VOTING—14

Boxer
Broomfield
Callahan
Conyers
Fascell
Ford (TN)
Hopkins
Hyde
Levine (CA)
Mrazek
Slaughter (VA)
Staggers
Stokes
Washington

□ 1625

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

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

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. COUGHLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion just agreed to.

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

There was no objection.

The SPEAKER pro tempore. The Speaker will appoint conferees upon his return to the chair.

PERMISSION FOR COMMITTEE ON JUDICIARY TO SIT ON WEDNESDAY, SEPTEMBER 25 AND THURSDAY, SEPTEMBER 26, 1991, DURING 5-MINUTE RULE

Mr. BROOKS. Mr. Speaker, I ask that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Wednesday, September 25 and Thursday, September 26, 1991.

The minority has been consulted. The gentleman from New York [Mr. FISH] is here. We agree that it needs to be done.

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

There was no objection.

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT OF 1991

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1674) to amend the Communications Act of 1934 to reauthorize the Federal Communications Commission and for other purposes, as amended.

The Clerk read as follows:

H.R. 1674

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 Communications Commission Authorization Act of 1991".

SEC. 2. EXTENSION OF AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

"SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for the administration of this Act by the Commission $133,500,000 for fiscal year 1992 and $163,500,000 for fiscal year 1993, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1992 and 1993. Of the sum appropriated in each fiscal year under this section, a portion, in an amount determined under section 9(b), shall be derived from fees authorized by section 9.".

(b) TRAVEL REIMBURSEMENT PROGRAM.—Section 4(g)(2) of the Communications Act of 1934 (47 U.S.C. 154(g)(2)) is amended to read as follows:

"(2) The Commission shall submit to the appropriate committees of Congress, and publish in the Federal Register, quarterly reports specifying the reimbursements which the Commission has accepted under section 1353 of title 31, United States Code.".

(c) COMMUNICATIONS SUPPORT FROM OLDER AMERICANS.—Section 6(a) of the Federal Communications Commission Authorization Act of 1988 (47 U.S.C. 154 note) is amended by striking "1988, 1989, 1990, and 1991" and inserting in lieu thereof "1992 and 1993".

SEC. 3. REGULATORY FEES.

(a) AMENDMENT.—Title I of the Communications Act of 1934 is amended by inserting after section 8 the following new section:

"SEC. 9. REGULATORY FEES.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Commission, in accordance with this section, shall assess and collect regulatory fees to recover the costs of the following regulatory activities of the Commission: enforcement activities, policy and rulemaking activities, user information services, and international activities.

"(2) FEES CONTINGENT ON APPROPRIATIONS AUTHORITY.—The fees described in paragraph (1) shall be collected only if, and only in the total amounts, required in appropriation Acts.

"(b) ESTABLISHMENT AND ADJUSTMENT OF REGULATORY FEES.—

"(1) IN GENERAL.—The fees assessed under subsection (a) shall—

"(A) be derived by determining the full-time equivalent number of employees performing the activities described in subsection (a) within the Private Radio Bureau, Mass Media Bureau, Common Carrier Bureau, and other offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities, including such factors as service area coverage, shared use versus exclusive use, and other factors that the Commission determines are necessary in the public interest;

"(B) be established at amounts that will result in collection, during each fiscal year, of an amount that can reasonably be expected to equal the amount appropriated for such fiscal year for the performance of the activities described in subsection (a); and

"(C) until adjusted or amended by the Commission pursuant to paragraph (2) or (3), be the fees established by the Schedule of Regulatory Fees in subsection (g).

"(2) MANDATORY ADJUSTMENT OF SCHEDULE.—For any fiscal year after fiscal year 1992, the Commission shall, by rule, revise the Schedule of Regulatory Fees by proportionate increases or decreases to reflect, in accordance with paragraph (1)(B), changes in the amount appropriated for the performance of the activities described in subsection (a) for such fiscal year. Such proportionate increases or decreases shall—

"(A) be adjusted to reflect, within the overall amounts established in appropriations Act under the authority of paragraph (1)(A), unexpected increases or decreases in the number of licensees or units subject to payment of such fees; and

"(B) be established at amounts that will result in collection of an aggregate amount of fees pursuant to this section that can reasonably be expected to equal the aggregate amount of fees that are required to be collected by appropriations Acts pursuant to paragraph (1)(B).

Increases or decreases in fees made by adjustments pursuant to this paragraph shall not be subject to judicial review. In making adjustments pursuant to this paragraph the Commission may round such fees to the nearest $5 in the case of fees under $1,000, or to the nearest $25 in the case of fees of $1,000 or more.

"(3) PERMITTED AMENDMENTS.—In addition to the adjustments required by paragraph (2), the Commission shall, by regulation, amend the Schedule of Regulatory Fees if the Commission determines that the Schedule requires amendment to comply with the requirements of paragraph (1)(A). In making such amendments, the Commission shall add, delete, or reclassify services in the Schedule to reflect additions, deletions, or changes in the nature of its services as a consequence of Commission rulemaking proceedings or changes in law. Increases or decreases in fees made by amendments pursuant to this paragraph shall not be subject to judicial review.

"(4) NOTICE TO CONGRESS.—The Commission shall—

"(A) transmit to the Congress notification of any adjustment made pursuant to paragraph (2) immediately upon the adoption of such adjustment; and

"(B) transmit to the Congress notification of any amendment made pursuant to paragraph (3) not later than 90 days before the effective date of such amendment.

"(c) ENFORCEMENT.—

"(1) PENALTIES FOR LATE PAYMENT.—The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees required by subsection (a) of this section. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner.

"(2) DISMISSAL OF APPLICATIONS OR FILINGS.—The Commission may dismiss any application or other filing for failure to pay in a timely manner any fee or penalty under this section.

"(3) REVOCATIONS.—In addition to or in lieu of the penalties and dismissals authorized by paragraphs (1) and (2), the Commission may revoke any instrument of authorization held by any entity that has failed to make payment of a regulatory fee assessed pursuant to this section. Such revocation action may be taken by the Commission after notice of the Commission's intent to take such action is sent to the licensee by registered mail, return receipt requested, at the licensee's last known address. The notice will provide the licensee at least 30 days to either pay the fee or show cause why the fee does not apply to the licensee or should otherwise be waived or payment deferred. A hearing is not required under this subsection unless the licensee's response presents a substantial and material question of fact. In any case where a hearing is conducted pursuant to this section, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee. Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing. Any Commission order adopted pursuant to this subsection shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked. No order of revocation under this subsection shall become final until the licensee has exhausted its right to judicial review of such order under section 402(b)(5) of this title.

"(d) EXEMPTIONS.—

"(1) IN GENERAL.—The fees established under this section shall not be applicable (A) to governmental entities, (B) to nonprofit entities holding tax exempt status under section 501(c)(3) of the Internal Revenue Code, or (C) to persons licensed in the Amateur Radio Service.

"(2) WAIVER AND DEFERMENT.—The Commission may waive or defer payment of a fee in any specific instance for good cause shown, where such action would promote the public interest.

"(e) DEPOSIT OF COLLECTIONS.—Moneys received from fees established under this section shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions described in subsection (a), and shall remain available until expended. No fees may be so deposited for any fiscal year unless funds are authorized to be appropriated for such fiscal year pursuant to section 6 of this Act.

"(f) REGULATIONS.—

"(1) IN GENERAL.—The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

"(2) TIME FOR PAYMENT.—Such rules and regulations shall require the payment of regulatory fees at the beginning of the fiscal year for which such fees are in effect or at such other time during the fiscal year as the Commission may determine in accordance with the efficient operation of the president under this section. Such rules and regulations shall permit payment by installments in the case of fees in large amounts.

"(3) MULTIPLE-YEAR PAYMENTS.—If the Commission determines that, because of the small amount of fee involved relative to the cost of annual collection, it would be inefficient to collect any regulatory fee each year, such rules and regulations may also require the payment of the fee in advance for a number of years not to exceed the term of the license held by the payor.

"(g) SCHEDULE.—Until amended by the Commission pursuant to subsection (b), the Schedule of Regulatory Fees which the Federal Communications Commission shall, subject to subsection (a)(2), assess and collect shall be as follows:

"SCHEDULE OF REGULATORY FEES

Bureau/Category	Annual Regulatory Fee
Private Radio Bureau: Exclusive use services (per license):	
Land Mobile (above 470 MHz, Base Station and SMRS)	$75
Microwave (47 C.F.R. Part 94)	75
Shared use services (per license unless otherwise noted):	
Aviation (Ground Stations) (47 C.F.R. Part 87)	10
Aviation (Aircraft Stations) (per station) (47 C.F.R. Part 87)	10
Marine (Ship Stations) (per station) (47 C.F.R. Part 80)	10
Marine (Coast Stations) (47 C.F.R. Part 80)	10
General Mobile Radio Service (47 C.F.R. Part 95)	10
Land Mobile (all Stations not covered above) (47 C.F.R. Part 90)	10
Mass Media Bureau (per license):	
AM radio limited-time (47 C.F.R. Part 73):	
Class II	100
Class III	100
AM radio full-time (47 C.F.R. Part 73):	
Class I	500
Class II	100
Class III	100
Class IV	100
FM radio (47 C.F.R. Part 73):	
Classes C, C1, C2, and B	500
Classes A, B1, C3, and D	100
TV (VHF and UHF) (47 C.F.R. Part 73)	2,000
Low Power TV, TV Translator, and TV Booster (47 C.F.R. Part 74)	100
Broadcast Auxiliary (47 C.F.R. Part 74)	100
International (HF) Broadcast (47 C.F.R. Part 73)	100
Cable Antenna Relay Service (47 C.F.R. Part 78)	150
Cable Television System (per 1000 subscribers) (47 C.F.R. Part 76)	175

Bureau/Category	Annual Regulatory Fee
Common Carrier Bureau: Radio Facilities:	
Cellular Radio (by market ranking) (47 C.F.R. Part 22):	
Markets 1–40	1,900
Markets 41–90	1,400
Markets 91–306	950
Rural service areas (per area)	500
Space Station (per operational station in geosynchronous orbit) (47 C.F.R. Part 25)	30,000
Domestic Public Fixed (per call sign) (47 C.F.R. Part 21)	105
Public Mobile (operational, per call sign) (47 C.F.R. Part 22)	150
International Fixed Public (per call sign) (47 C.F.R. Part 23)	105
Earth Stations:	
VSAT and equivalent C-Band antennas (per antenna)	20
Mobile satellite earth stations (per antenna)	1
Earth station antennas:	
Less than 9 meters:	
Transmit/Receive and Transmit Only (per meter)	75
Receive only (per meter)	50
9 Meters or more	
Transmit/Receive and Transmit Only (per meter)	100
Receive only (per meter)	75
International Earth Stations (per meter)	250
Carriers:	
Inter-Exchange Carrier (I) (25,000,000 or more lines)	2,000,000
Inter-Exchange Carrier (II) (1,000,000–25,000,000 lines)	500,000
Inter-Exchange Carrier (III) (65,000–1,000,000 lines)	1,000
Inter-Exchange Carrier (IV) (less than 65,000 lines)	100
Local Exchange Carrier (I) (10,000,000 or more access lines)	1,125,000
Local Exchange Carrier (II) (100,000–10,000,000 access lines)	150,000
Local Exchange Carrier (III) (20,000–100,000 access lines)	1,000
Local Exchange Carrier (IV) (less than 20,000 access lines)	100

"(h) REPORT.—The Commission shall include in each annual report pursuant to section 4(k) submitted during calendar years 1993 and 1994 an analysis of the progress made in developing accounting systems necessary to making the adjustments authorized by subsection (b)(3).".

(b) CONFORMING AMENDMENTS.—Section 8 of the Communications Act of 1934 (47 U.S.C. 158) is amended—

(1) by striking the heading of such section and inserting "APPLICATION FEES";

(2) by striking "charges" each place it appears and inserting "application fees";

(3) by striking "charge" each place it appears in subsection (c) and inserting "application fee";

(4) by striking out "Schedule of Charges" each place it appears and inserting "Schedule of Application Fees"; and

(5) in the schedule contained in subsection (g)—

(A) by striking "SCHEDULE OF CHARGES" and inserting "SCHEDULE OF APPLICATION FEES";

(B) by striking "charge" and "Charges" each place they appear and inserting "application fee" and "Application fee", respectively; and

(C) by striking "CHARGES" and inserting "APPLICATION FEES".

SEC. 4. LICENSE FEE EXEMPTION FOR VOLUNTEERS AT NONCOMMERCIAL STATIONS.

Section 8(d)(1) of the Communications Act of 1934 is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting before the period at the end of subparagraph (B) the following: ", or (C) volunteer personnel providing services to noncommercial radio and television stations licensed to nonprofit institutions".

SEC. 5. FEES FOR LOW-EARTH ORBIT SATELLITE SYSTEMS.

Section 8(g) of the Communications Act of 1934 (47 U.S.C. 158) is amended by inserting in the Schedule of Charges under the heading "COMMON CARRIER SERVICES" the following:

"22. Low-Earth Orbit Satellite Systems:	
a. Application for Authority to Construct:	
(i) Lead Application	$10,000
(ii) Additional Applications.	500 per satellite
b. Application for Authority to Launch and Operate:	
(i) Lead Application:	
for first orbital plane.	$100,000
for each additional plane.	50,000
(ii) Each additional satellite.	2,750 per satellite
c. Assignment or Transfer	25,000 per request
d. Modification	25,000 per request
e. Special Temporary Authority or Waiver of Prior Construction Authorization.	2,500 per request
f. Amendment of Application.	5,000 per request
g. Extension of Construction Permit Launch Authorization.	25,000 per request.".

SEC. 6. PATENT LICENSE AGREEMENTS.

Section 4(g) of the Communications Act of 1934 (47 U.S.C. 154(g)) is amended by adding at the end the following paragraph:

"(3) The Commission is authorized to acquire and to utilize technical equipment without compensation to the provider of the equipment pursuant to negotiated patent license agreements.".

SEC. 7. GIFT AND BEQUEST AUTHORITY.

(a) PROPERTY AND EQUIPMENT.—Section 4(g) of the Communications Act of 1934 (47 U.S.C. 154(g)) is further amended by adding at the end the following new paragraph:

"(4) The Commission is authorized to accept, hold, administer, and use unconditional gifts, donations, and bequests of real property and tangible personal property and short-term training incidental to the operation of donated equipment. The Commission shall promulgate regulations to carry out the provisions of this paragraph.".

(b) VOLUNTARY SERVICES.—Section 4(f)(4) of the Communications Act of 1934 is amended by adding at the end the following new subparagraph:

"(K) The Commission for purposes of providing specialized, radio club, and military-recreation call signs, may utilize the voluntary and uncompensated services of amateur radio organizations, as determined by the Commission.".

SEC. 8. COMMISSION REFUND AUTHORITY.

Section 204(a)(1) of the Communications Act of 1934 (47 U.S.C. 204(a)(1)) is amended—

(1) by striking "increased charge" the first 2 places it appears and inserting "revised charge";

(2) by striking "increased charges" and inserting "revised charges";

(3) by inserting ", subsequent to the effective date of the proposed new or revised charge," after "such amounts were paid";

(4) by striking "charge increased, or sought to be increased" and inserting "new or revised charge, or a proposed new or revised charge"; and

(5) by striking "increased charge" the last place it appears and inserting "new or revised charge".

SEC. 9. INTERCEPTION OF CELLULAR TELECOMMUNICATIONS.

(a) AMENDMENT.—Section 302 of the Communications Act of 1934 (47 U.S.C. 302) is amended by adding the following new subsection:

"(d)(1) INTERCEPTION OF CELLULAR TELECOMMUNICATIONS.—Within 180 days after the date of enactment of the Federal Communications Commission Authorization Act of 1991, the Commission shall prescribe and make effective regulations denying equipment authorization (under part 15 of title 47, Code of Federal Regulations, or any other part of that title) for any scanning receiver that is capable of—

"(A) receiving transmissions in the frequencies allocated to the domestic cellular radio telecommunications service,

"(B) readily being altered by the user to receive transmissions in such frequencies, or

"(C) being equipped with decoders that convert digital cellular transmissions to analog voice audio.

"(2) MANUFACTURE OR IMPORT OF NONCOMPLYING EQUIPMENT.—Beginning one year after the effective date of the regulations adopted pursuant to subsection (a), no receiver having the capabilities described in subparagraph (A), (B), or (C) of paragraph (1) shall be manufactured in the United States or imported for use in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of the Federal Communications Commission Authorization Act of 1991.

SEC. 10. ELECTRONIC FILING OF APPLICATIONS.

(a) WAIVER BY LICENSEE.—Section 304 of the Communications Act of 1934 (47 U.S.C. 304) is amended by striking "have signed a waiver of" and inserting "have waived".

(b) ELECTRONIC FILING.—

(1) Section 308(b) of the Communications Act of 1934 (47 U.S.C. 308(b)) is amended by inserting before the period at the end of the section the following: "in any manner or form, including by electronic means, as the Commission may prescribe by regulation".

(2) Section 319(a) of the Communications Act of 1934 (47 U.S.C. 319(a)) is amended by inserting before the period at the end of the section the following: "in any manner or form, including by electronic means, as the Commission may prescribe by regulation".

SEC. 11. LICENSED OPERATORS.

Section 318 of the Communications Act of 1934 (47 U.S.C. 318) is amended by striking "(3) stations engaged in broadcasting (other than those engaged primarily in the function of rebroadcasting the signals of broadcast stations) and (4)" and inserting "and (3)".

SEC. 12. DISCLOSURE OF INTERCARRIER AGREEMENTS AND THE FREEDOM OF INFORMATION ACT.

Section 412 of the Communications Act of 1934 (47 U.S.C. 412) is amended by striking:

"relating to foreign wire or radio communication when the publication of such contract, agreement, or arrangement would place American communication companies at a disadvantage in meeting the competition of foreign communication companies" and inserting "if such contract, agreement, or arrangement would be exempted from the application of section 552 of title 5, United States Code, pursuant to subsection (b)(4) of that section".

SEC. 13. STATUTE OF LIMITATIONS FOR FORFEITURE PROCEEDINGS.

Section 503(b)(6) of the Communications Act of 1934 (47 U.S.C. 503(b)(6)) is amended—

(1) by striking "so long as such violation occurred within 3 years prior to the date of issuance of such required notice"; and

(2) by adding at the end thereof the following: "For purposes of this section, the 'date of commencement of the current term of such license' means the date of commencement of the last term of license for which the licensee has been granted a license by the Commission. A separate license term shall not be deemed to have commenced as a result of operation pursuant to section 307(c) of this Act pending decision on a license renewal application.".

SEC. 14. STUDY OF TELEPHONE RATES AND PROCEDURES FOR MEMBERS OF THE UNITED STATES ARMED FORCES DEPLOYED ABROAD.

(a) IN GENERAL.—The Federal Communications Commission shall conduct a study of the telephone surcharge and procedures for Armed Forces personnel in the following countries: Germany, Japan, Korea, Saudi Arabia, Great Britain, Italy, Philippines, Panama, Spain, Turkey, Iceland, Netherlands, Greece, Cuba, Belgium, Portugal, Bermuda, Diego Garcia, Egypt, and Honduras.

(b) COMPONENTS OF STUDY.—In conducting the study referred to in subsection (a), the Commission, in conjunction with the Department of Defense, Department of State, and the National Telecommunications and Information Administration shall evaluate the cost of military personnel and their families of placing telephone calls by—

(1) evaluating and analyzing the costs of such telephone calls to and from American military bases abroad;

(2) comparing the costs of telephone calls that use foreign telecommunications equipment with calls that use American telecommunications equipment;

(3) evaluate methods of reducing the rates imposed on such calls;

(4) determine the feasibility of the Federal Communications Commission adopting flexible billing procedures and policies for members of the Armed Forces and their families for telephone calls to and from the abovementioned countries;

(5) evaluate methods for the United States to persuade foreign governments to reduce the surcharges that are often placed on such telephone calls.

(c) SUBMISSION OF REPORT.—Not later than 180 days following the date of the enactment of this Act, the Commission shall submit to the Congress a report containing the findings and conclusions of the study conducted under this section. The report shall include any recommendations for legislation that the Commission considers necessary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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

I rise in support of H.R. 1674, the FCC Authorization Act of 1991, which authorizes funding levels of $133 million for 1992 and $163 million for 1993 and includes additional provisions that clarify the Commission's refund authority, authorize the assessment of user fees, and improve the Commission's administrative activities.

This bill comes up at a critical time for the FCC, as it tries to deal with the recent spate of telephone outages. These outages mean that the regulatory burden the FCC has to carry is all the greater and needs our support. The bill contains a provision to allow the FCC to assess fees in order to provide funding for the FCC's regulatory and policymaking activity. The administration's controversial user fee proposal was offered as an amendment by Mr. LENT at the Telecommunications Subcommittee markup and was subsequently amended by my good friend Mr. RINALDO at the full committee markup. The Rinaldo substitute amendment makes the user fees more equitable and gives the FCC the resources it needs to implement congressional policies. With these fees, the Commission can regulate the dynamic, burgeoning telecommunications industry and carry out its statutory responsibilities to promote the public interest.

These fees are based on several factors, including ability to pay, service area coverage, and shared or exclusive use. The FCC is authorized to assess and collect $65 million of user fees for fiscal year 1992 to recover the cost of performing its regulatory functions. The fees would be assessed to all users of FCC services, with a specific statutory exemption for public safety entities, amateur radio operators, and noncommercial broadcast users, along with a general exemption for governmental entities and nonprofit entities holding tax exempt status. The annual fees were designed by the FCC to recover the costs of operating the Commission's enforcement, user information, policy and rulemaking, and international activities.

Today, as we enter an unprecedented period in the evolution of America's telecommunications industries, the role of the FCC is critical to promoting a competitive marketplace, and providing timely development of efficient, innovative communications facilities and services. The recent decision by Federal District Court Judge Harold Greene to permit the Bell operating companies to provide information services underscores the importance of the Commission's statutory responsibilities. The Commission should be especially cognizant of its role in protecting consumers and competitors as it assumes these new regulatory functions and it should be cautious in adopting new deregulatory policies for the telecommunications industry. The recent outage in New York that crippled air service illustrates that the Commission needs to be more aggressive in guaranteeing the integrity of America's telecommunications network.

Finally, the legislation before us today also includes an important provision that helps to safeguard the privacy of cellular communications. The Electronic Communications Privacy Act [ECPA] makes it illegal to intercept cellular telephone conversations, ensuring users of cellular telephones the same degree of privacy protection afforded those consumers who use traditional wire telephone service. Cellular telephones are considered a common carrier service and its users have an expectation and a right to privacy. Section 8 in the bill would require the FCC to deny equipment certification for receiving equipment, or scanners, that can receive cellular phone cells, or can be readily altered to receive cellular calls. By bringing the Commission's certification process in line with ECPA, this equipment could not be used for illegal eavesdropping and interception of cellular frequencies.

Again, I would like to thank the gentleman from New Jersey, Mr. RINALDO, for his hard work on this piece of legislation and thank also the full committee chairman, Mr. DINGELL, and the ranking member of the full committee, Mr. LENT, for their leadership and effort on this legislation.

Mr. Speaker, the bill before us today, the Federal Communications Commission Authorization Act of 1991 which provides necessary reauthorizations for this important independent agency contains a few clarifying changes. These modifications would refine the proposed user fee schedule and procedures to ensure its fair implementation and efficient administration. In addition, the bill includes two other minor changes which were made after consultation with the agency and with agreement of all parties. These modifications are totally consistent with the terms and intent of the legislation as approved by the committee.

First, the bill makes clear that the Appropriations Committee would be scored or credited with the revenue generated by institution of the FCC user fees. The clarifying language was recommended by the Office of Management and Budget [OMB] and the Congressional Budget Office [CBO] and does not affect the original intent of the legislation or the roles of the Appropriations and Authorizing Committees. The Commission would be permitted to spend these funds only with congressional authorization. This would ensure that Congress retains full

authority to oversee Commission activities.

In addition, the modification does not affect funds not expended by the FCC in any given year. These revenues will be credited to the Commission's appropriations account to be appropriated for the FCC's use in the subsequent year. This provision ensures that excess funds would be expended only for the Commission's authorized regulatory activities only.

Second, the bill modifies the Commission's license revocation authority with regard to nonpayment of user fees. The Commission shall be authorized to revoke the license of a telecommunications entity if that entity has failed to pay the assessed user fee. Parties objecting to a revocation action must file with the FCC to show cause why the fee has not been paid or given reason why fees should be waived or deferred. The Commission shall process these objections through paper hearings in order to facilitate complaints and better accommodate any challenges that the FCC may receive. The Commission will grant a hearing to a licensee if a substantial and material question of fact is presented. In addition, the FCC may assess the costs of such hearings to the licensee unless the licensee substantially prevails.

The Commission would be permitted to revoke a license only if a user refuses to pay the assessed fee. A licensee who has paid his fee but objects to an aspect of the fee schedule, would retain full recourse to appeal the fee or amount of the fee and to seek relief from the FCC either through refund or other means. Since the Commission relies on these user fees for its operations, the committee believes that this provision is essential to ensure that the flow of necessary funds is not interrupted.

Third, H.R. 1674 is changed to exempt volunteer personnel providing services to noncommercial radio and television stations licensed to nonprofit institutions from the license fee. This provision clarifies the committee's intent to exempt those who provide volunteer services to public broadcasting from licensing fees since they are performing works in the public interest.

Fourth, the substitute changes the user fee schedule assessed to satellite users to ensure that these fees reflect the costs incurred by the FCC in regulating the satellite industry. In the bill as reported, satellite users are assessed a flat $85 per antenna fee. In response to the Commission's recommendation the satellite fee schedule included in the legislation has been adjusted to differentiate between various types of satellites—that is—low earth orbit satellites [Vsats]. As a result, satellite fees correspond more closely with regulatory costs associated with particular satellite users.

Fifth, H.R. 1674 further amends the Commission's refund authority with regard to the revision of rates charged by common carriers. This provision amends section 204(a)(1) of the Communications Act so that when common carriers charges are revised, the Commission has the authority to order refunds of excessive charges, regardless of whether the excessive charge results from a new charge or an increase or decrease of pre-existing charge. This legislation is modified to ensure that the Commission authority to order refunds does not extend beyond the period of the effective date of the tariff filing. In addition the committee wants to make clear that Commission jurisdiction of local exchange service with regard to this section remains limited to exchange access service.

Sixth, H.R. 1674 is modified by a provision concerning manufacture of scanners capable of monitoring cellular frequencies. As reported by the committee, the bill restricts the manufacture of receiving equipment, or scanners, capable of intercepting cellular frequencies. The legislation further extends the restrictions embodied in H.R. 1674 to include scanners imported for use in the United States. This change ensures that scanners imported into the United States meet the same requirements that this legislation imposes on domestically manufactured equipment and is consistent with the original intent.

Seventh, the legislation modifies the section 8(g) fees for low earth orbit satellite system to better correspond with the Commission's administrative cost. This change was recommended after further review by the Commission for the licensing of these multisatellite system which are a new technology with which the Commission has limited licensing experience.

These changes provide for a fair, effective, and equitable distribution and administration of user fees. Additional changes related to Commission refund authority and scanning equipment will guarantee that the FCC retains comprehensive authority to protect consumer privacy and regulate rates charged for telephone service. I believe that these modifications further ensure the fairness of this bipartisan, consensus package.

□ 1630

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

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

Mr. Speaker, today I rise in strong support of H.R. 1674, the FCC authorization bill, and the committee amendment in the nature of a substitute.

The bill includes an important user fee schedule that I feel is equitable. Despite some initial flaws that I believe made the schedule unfair, the user fee proposal has been adjusted to bring the estimated fee revenue in line with the budget allocations for each of the FCC bureaus. This adjustment gives me greater confidence that there is a true nexus between the service provided by the FCC and the amount of the fee imposed. That nexus is critical. Many in the telecommunications industry, including the broadcasters, telephone companies, and cellular companies have raised concerns about whether the fee proposal accurately represented a true fee-for-service assessment.

I was also concerned that the fee proposal would create an undue hardship on certain licensees, who are barely making ends meet at present. These licensees all presently pay a share of an existing statutory fee schedule that contributes over $41 million per year to the General Treasury.

Now, however, there will be a more equitable distribution of the fees between the licensees of the affected industries to establish a clear distinction between small and large users. I consider this change a matter of fundamental fairness. The proposal will help ensure that fees are assessed on the basis of size, subscriber base, and coverage area of providers within a particular industry.

The bill also addresses the concern that excess revenue collected through user fees should not go into the general fund of the U.S. Treasury. The bill requires that any excess revenue from collected user fees will be retained to be expended by the FCC in the succeeding fiscal year.

The bill requires the FCC to adjust the amount of the fee for a class of users to reflect an unexpected increase or decrease in the number of licensees or units. The bill also ensures full due process protection for licensees in fee adjustment and revocation actions. Finally, the bill directs the FCC to develop rules allowing users with large fees to make payments in installments.

Mr. Speaker, the committee amendment in the nature of a substitute contains several changes to the bill. First, it alters the fee schedule so that it differentiates, again in a more equitable fashion, between different types of satellite users. The amendment also restricts the importation of scanners that can easily intercept cellular communications. The bill reported from the committee would have applied the restriction only to domestically manufactured scanners.

The amendment also limits the FCC's refund authority to excessive revenues earned after a proposed revised tariff goes into effect. Under the amendment, it is intended that such authority not be retroactive to a rate in effect prior to the revised tariff filing. The FCC's refund authority under this section of the act applies to any common carrier, and with respect to local exchange carriers it is obviously limited to tariffs relating to exchange access.

Finally, the amendment includes a provision supported by the distinguished gentleman from Ohio [Mr. OXLEY], to exempt personnel volunteers at college-owned radio stations from licensing fees. This provision is a good one, given the valuable public service these stations, which Congress has previously exempted from FCC fees, and their volunteer employees provide.

Mr. Speaker, I believe that the FCC authorization bill is much improved with the changes that have been made. I thank Chairman DINGELL, the ranking Republican member, Mr. LENT, Telecommunications Subcommittee Chairman MARKEY, and all the other committee members who worked with me on this legislation. I urge the Members' support of this bill.

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

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHEUER].

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

Mr. Speaker, I congratulate both the gentleman and the chairman, the gentleman from Michigan [Mr. DINGELL], for the work that they have put in on this bill.

Mr. Speaker, on September 17, the third major telephone failure of this decade, an absolute telecommunications debacle, completely disrupted long-distance service in Manhattan and shut down New York City's three major airports. Thousands of passengers were surely inconvenienced and may have been put at serious risk, their lives in danger, by this massive telecommunications failure.

This disturbing episode is regrettably a perfect example of the rapidly changing telecommunications environment and our past inability to control our telecommunications effectively.

The American telecommunications industry is changing and expanding before our eyes. We in Congress need to meet these challenges and to live a cutting-edge public policy.

Increasingly, our task is being subverted by an FCC which neither has the resources nor the staff to provide effective oversight and accountability. A recent GAO study indicated that the FCC has enough resources, and now listen to this, Mr. Speaker, to audit each major telephone company once in 16 years. That is just not good enough. This does not provide for diligent oversight, and it will not give the Congress an accurate picture of the telecommunications environment.

This bill, H.R. 1674, has a provision for user fees which you have just heard about from my colleague which are expected to raise about $144 million every 2 years. This new source of revenue can help the FCC expand both its personnel and its oversight activities to keep pace with new developments.

□ 1440

Mr. Speaker, I am delighted that the committee chairman, the gentleman from Massachusetts [Mr. MARKEY] has scheduled an emergency oversight hearing in New York City on the AT&T outage. Hopefully, we will see the day when the FCC and Congress can collaborate on preventing disasters instead of joining together to assess the damage and engage in belated after-the-fact damage control.

This is an important first step toward this goal, and I urge my colleagues to support H.R. 1674.

Mr. RINALDO. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, today we will consider the FCC authorization for fiscal year 1992. I urge my colleagues on both sides of the aisle to support passage of this measure. Approval of this legislation will ensure that the Commission will be able to continue to provide effective, comprehensive service to all members of our Nation's telecommunications community.

I believe the FCC and our Nation's telecommunications industry have provided us with what is the best telecommunications system in the world. In his 2-year tenure at the FCC's helm, Chairman Sikes has provided dynamic, can-do leadership, and he, the other Commissioners, and the Commission staff have taken bold strides toward moving us into the 21st century in areas such as spectrum reallocation, HDTV, and cable competition.

I do not want the United States to lose our leadership in telecommunications arena, as we may have in some other areas. If we do, the consequences could be severe. For that reason, I ask my colleagues to support the authorization of funding for the FCC, so that Chairman Sikes and his staff can continue to provide the service and forward-thinking leadership our Nation's telecommunications community deserves.

To illustrate the impact of this legislation on congressional districts from coast to coast, I would like to note that the bill incorporates language I suggested exempting volunteer broadcasting personnel at noncommercial radio and television stations licensed to nonprofit educational institutions from the $35 licensing fee for an operator's permit. Waiving this fee will allow these small, nonprofit stations to operate with full complements of personnel. I urge you to back this bill and support the many college and university radio and television stations which serve so many communities across America.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I would like to engage the gentleman from Massachusetts in a colloquy. We share a major concern about the reliability of our Nation's telephone network. In July, telephone outages on both the east and the west coasts affected more than 12 million people, including residents in my home State of West Virginia. Last week, an AT&T outage in New York City crippled air traffic to and from the city for several hours. In the past 9 months, the Nation has experienced seven major disruptions in telephone service.

According to testimony before my Government Operations Subcommittee, the Nation's telephone network is becoming increasingly vulnerable to service disruptions. So far, the disruptions have caused only inconvenience and financial hardship. The next outage may end in human tragedy.

The FCC has assured my subcommittee that the telephone network remains reliable and that market forces will ensure its continued reliability. Recent events, however, have undermined the FCC's credibility. In order to prevent future disasters, the FCC must take additional steps to address the crisis in our telephone system.

The Commission should establish a quantitative scale for measuring the impact of outages on end-users and then should establish enforceable reliability and quality standards for the network based on this quantitative scale.

The Commission should also implement requirements for network carriers to report outages in a timely fashion. Each service disruption should be assessed according to the quantitative scale measuring the impact of outages. As a related matter, the Commission should establish procedures to foster communication among network carriers on issues that affect network reliability.

The FCC should establish one or more advisory committees, subject to the requirements of the Federal Advisory Committee Act, to recommend appropriate steps for both Government and industry to assure network reliability. And finally, the Commission should include a network reliability impact statement with each of its common carrier orders.

While the FCC has made recent strides in addressing certain of these issues, it has not established a timetable for undertaking a full-fledged effort to bolster network reliability. Moreover, the FCC's efforts to solicit the advice of the telecommunications industry, have been accomplished behind closed doors. I believe that legislation is necessary to ensure that the problem of network vulnerability is addressed promptly, comprehensively, and openly.

It is my understanding that the gentleman has plans to offer legislation in the near future that will address modification of final judgment issues. I think it would be appropriate to in-

clude language in his bill to address issues of network reliability as well. I would be happy to work with the gentleman in that endeavor.

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

Mr. WISE. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, the gentleman makes a very correct point that while there is still some mood to further deregulate the telecommunications industry, we have to be very cognizant of the fact that as these technologies become more sophisticated, more technical, that we also have to be aware of the fact that outages become much more potentially disastrous, not just to individuals, but to entire regions, economies, and industry. So we are going to work with the gentleman to draft legislation that will ensure that the standards we put in place will protect the system against the evergrowing sophistication of the technologies that are going to be implemented to make our telecommunications system more efficient.

Mr. WISE. Mr. Speaker, I thank the gentleman from Massachusetts.

Mr. RINALDO. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, during the Persian Gulf war, men and women of the U.S. armed services relied heavily on telephones to speak to their loved ones back home. And while our men and women were protecting the people of Saudi Arabia, and bearing the burdens of the United States and the world, they were charged 73 cents, let me repeat, 73 cents per minute surcharge by Saudi Arabia for phone calls not using Saudi Arabian telecommunications equipment.

At the time, I and many of my colleagues on the Energy and Commerce Committee were outraged by this surcharge. My friend and colleague, Congressman OXLEY, introduced a resolution regarding the surcharge and I joined with him and other members of the committee to press for elimination of the charges.

Today, through this authorization, we have the ability to take a forward step. With the kind of assistance of the Telecommunications Subcommittee chairman, Mr. MARKEY, we have included specific language designed to analyze foreign surcharges and provide Congress with the information necessary to enact legislation.

The legislation before us requires an FCC study to look into ways to reduce the telephone costs to servicemen and women who are stationed abroad. It is a terrible injustice that these personnel should be needlessly taxed by a foreign country that they are defending at a great sacrifice.

Since American personnel are stationed in numerous countries around the world, and since it would be impractical to pursue efforts in countries where only a handful of troops are stationed, this study would look at surcharges and procedures in the 20 countries which represents the nations with the overwhelming majority of American troops who are stationed abroad. These countries include: Germany, Japan, Great Britain, Greece, and even Bermuda.

The study will be conducted by the FCC in conjunction with the Department of Defense, Department of State, and the National Telecommunications and Information Administration.

The study will evaluate the costs of telephone calls by analyzing the costs of such telephone calls and comparing the costs of telephone calls that use foreign telecommunications equipment with calls that use American equipment. In addition, the study will determine the feasibility of the FCC adopting some flexible billing procedures and policies for members of the Armed Forces and their families for telephone calls to and from the above-mentioned countries.

The report will be due 180 days from the enactment of this act. The Commission will submit to Congress a report containing findings and conclusions.

Mr. Speaker, I would like to thank the chairman of the full committee, the chairman and ranking Republican of the Telecommunications Subcommittee, and my other colleagues on the subcommittee for their continuing interest in this issue, an issue which isn't in the headlines anymore but is nonetheless very important to the men and women of the Armed Forces who protect freedom and represent America around the world. I feel this action is the very least we can do for the brave men and women of the Armed Forces—America's modern-day heroes. We owe our military personnel our gratitude and our honor, not calls from collection agencies because of excessive foreign surcharges.

Mr. LENT. Mr. Speaker, I rise in support of H.R. 1674 and the committee amendment in the nature of a substitute that will be offered today.

The bill authorizes $133 million and $163 million in fiscal years 1992 and 1993, respectively. The bill also includes the President's proposal to raise part of the FCC's budget through cost of services based user fees. I strongly endorse the President's proposal, which reflects a commonsense, cost-effective approach to government in an era of growing budget deficits. For many other independent agencies, user fees are commonly applied to help fund the agency.

It is critical that we enact the user fee proposal to ensure that the FCC is fully funded. We are witnessing the development of a rapidly evolving telecommunications marketplace, and we need a first-rate regulatory agency overseeing the rapid changes in it. I am sure that we all agree that a fully funded FCC will be critical in the next few years, given the numerous important issues currently before the Commission.

I urge my colleagues to support the committee amendment, which many members of the Energy and Commerce Committee have worked together or in order to refine the user fee schedule.

I also would like to thank and commend our full committee chairman, Mr. DINGELL, along with our subcommittee chairman, Mr. MARKEY, and the ranking Republican member on the subcommittee, Mr. RINALDO, for their support of this important user fee proposal.

I urge my colleagues to support H.R. 1674 and the committee amendment in the nature of a substitute to the bill.

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

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

The SPEAKER pro tempore (Mr. TORRES). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 1674, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. 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. 1674, the bill just passed.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2707, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

The SPEAKER. The Chair appoints the following conferees on H.R. 2707, and, without objection, reserves the right to appoint additional conferees: Messrs. NATCHER, SMITH of Iowa, OBEY, ROYBAL, STOKES, EARLY, HOYER, MRAZEK, WHITTEN, PURSELL, PORTER, YOUNG of Florida, WEBER, and MCDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2519, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1992

The SPEAKER. The Chair appoints the following conferees on H.R. 2519,

and, without objection, reserves the right to appoint additional conferees: Messrs. TRAXLER, STOKES, MOLLOHAN, CHAPMAN, and ATKINS, Ms. KAPTUR, and Messrs. WHITTEN, GREEN of New York, COUGHLIN, LOWERY of California, and MCDADE.

□ 1650

APPOINTMENT OF CONFEREES ON H.R. 2622, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1992

The SPEAKER. The Chair appoints the following conferees on H.R. 2622, and, without objection, reserves the right to appoint additional conferees: Messrs. ROYBAL, HOYER, and SKAGGS, Ms. PELOSI, and Messrs. YATES, EARLY, WHITTEN, WOLF, LIGHTFOOT, ROGERS, and MCDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

The SPEAKER. The Chair appoints the following conferees on H.R. 2686, and, without objection, reserves the right to appoint additional conferees: Messrs. YATES, MURTHA, DICKS, AUCOIN, BEVILL, ATKINS, WHITTEN, REGULA, MCDADE, LOWERY of California, and SKEEN.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2942, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

The SPEAKER. The Chair appoints the following conferees on H.R. 2942, and, without objection, reserves the right to appoint additional conferees: Messrs. LEHMAN of Florida, CARR, DURBIN, SABO, PRICE, NATCHER, WHITTEN, COUGHLIN, WOLF, DELAY, and MCDADE.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

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

Such rollcall votes, if postponed, will be taken after debate has concluded on all remaining motions to suspend the rules and prior to the vote on House Concurrent Resolution 199, postponed from yesterday.

TRUTH IN SAVINGS ACT

Mr. TORRES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2654) to require the clear and uniform disclosure by depository institutions of interest rates payable and fees assessable with respect to deposit accounts, as amended.

The Clerk read as follows:

H.R. 2654

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 "Truth in Savings Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds that economic stability would be enhanced, competition between depository institutions would be improved, and the ability of the consumer to make informed decisions regarding deposit accounts, and to verify accounts, would be strengthened if there was uniformity in the disclosure of terms and conditions on which interest is paid and fees are assessed in connection with such accounts.

(b) PURPOSE.—It is the purpose of this Act to require the clear and uniform disclosure of—

(1) the rates of interest which are payable on deposit accounts by depository institutions; and

(2) the fees that are assessable against deposit accounts,

so that consumers can make a meaningful comparison between the competing claims of depository institutions with regard to deposit accounts.

SEC. 3. DISCLOSURE OF INTEREST RATES AND TERMS OF ACCOUNTS.

(a) IN GENERAL.—Except as provided in subsection (b), each advertisement, announcement, or solicitation initiated by any depository institution or deposit broker relating to any demand or interest-bearing account offered by an insured depository institution which includes any reference to a specific rate of interest payable on amounts deposited in such account, or to a specific yield or rate of earnings on amounts so deposited, shall state the following information, to the extent applicable, in a clear and conspicuous manner:

(1) The annual percentage yield.

(2) The period during which such annual percentage yield is in effect.

(3) All minimum account balance and time requirements which must be met in order to earn the advertised yield (and, in the case of accounts for which more than 1 yield is stated, each annual percentage yield and the account minimum balance requirement associated with each such yield shall be in close proximity and have equal prominence).

(4) The minimum amount of the initial deposit which is required to open the account in order to obtain the yield advertised, if such minimum amount is greater than the minimum balance necessary to earn the advertised yield.

(5) A statement that regular fees or other conditions could reduce the yield.

(6) A statement that an interest penalty is required for early withdrawal.

(b) BROADCAST AND ELECTRONIC MEDIA AND OUTDOOR ADVERTISING EXCEPTION.—The Board may, by regulation, exempt advertisements, announcements, or solicitations made by any broadcast or electronic medium or outdoor advertising display not on the premises of the depository institution from any disclosure requirements described in paragraph (4) or (5) of subsection (a) if the Board finds that any such disclosure would be unnecessarily burdensome.

(c) MISLEADING DESCRIPTIONS OF FREE OR NO-COST ACCOUNTS PROHIBITED.—No advertisement, announcement, or solicitation made by any depository institution or deposit broker may refer to or describe an account as a free or no-cost account (or words of similar meaning) if—

(1) in order to avoid fees or service charges for any period—

(A) a minimum balance must be maintained in the account during such period; or

(B) the number of transactions during such period may not exceed a maximum number; or

(2) any regular service or transaction fee is imposed.

(d) MISLEADING OR INACCURATE ADVERTISEMENTS, ETC., PROHIBITED.—No depository institution or deposit broker shall make any advertisement, announcement, or solicitation relating to a deposit account that is inaccurate or misleading or that misrepresents its deposit contracts.

SEC. 4. ACCOUNT SCHEDULE.

(a) IN GENERAL.—Each depository institution shall maintain a schedule of fees, charges, interest rates, and terms and conditions applicable to each class of accounts offered by the depository institution, in accordance with the requirements of this section and regulations which the Board shall prescribe. The Board shall specify, in regulations, which fees, charges, penalties, terms, conditions, and account restrictions must be included in a schedule required under this subsection. A depository institution need not include in such schedule any information not specified in such regulation.

(b) INFORMATION ON FEES AND CHARGES.—The schedule required under subsection (a) with respect to any account shall contain the following information:

(1) A description of all fees, periodic service charges, and penalties which may be charged or assessed against the account (or against the account holder in connection with such account), the amount of any such fees, charge, or penalty (or the method by which such amount will be calculated), and the conditions under which any such amount will be assessed.

(2) All minimum balance requirements that affect fees, charges, and penalties, including a clear description of how each such minimum balance is calculated.

(3) Any minimum amount required with respect to the initial deposit in order to open the account.

(c) INFORMATION ON INTEREST RATES.—The schedule required under subsection (a) with respect to any account shall include the following information:

(1) Any annual percentage yield.

(2) The period during which any such annual percentage yield will be in effect.

(3) Any annual rate of simple interest.

(4) The frequency with which interest will be compounded and credited.

(5) A clear description of the method used to determine the balance on which interest is paid.

(6) The information described in paragraphs (1) through (4) with respect to any period after the end of the period referred to in paragraph (2) (or the method for computing any information described in any such paragraph), if applicable.

(7) Any minimum balance which must be maintained to earn the rates and obtain the yields disclosed pursuant to this subsection and a clear description of how any such minimum balance is calculated.

(8) A clear description of any minimum time requirement which must be met in order to obtain the yields disclosed pursuant to this subsection and any information described in paragraph (1), (2), (3), or (4) that will apply if any time requirement is not met.

(9) A statement, if applicable, that any interest which has accrued but has not been credited to an account at the time of a withdrawal from

the account will not be paid by the depository institution or credited to the account by reason of such withdrawal.

(10) Any provision or requirement relating to nonpayment of interest, including any charge or penalty for early withdrawal, and the conditions under which any such charge or penalty may be assessed.

(d) OTHER INFORMATION.—The schedule required under subsection (a) shall include such other disclosures as the Board may determine to be necessary to allow consumers to understand and compare accounts, including frequency of interest rate adjustments, account restrictions, and renewal policies for time accounts.

(e) STYLE AND FORMAT.—Schedules required under subsection (a) shall be written in clear and plain language and be presented in a format designed to allow consumers to readily understand the terms of the accounts offered.

SEC. 5. DISCLOSURE REQUIREMENTS FOR CERTAIN ACCOUNTS.

The Board shall require, in regulations which the Board shall prescribe, such modification in the disclosure requirements under this Act relating to annual percentage yield as may be necessary to carry out the purposes of this Act in the case of—

(1) accounts with respect to which determination of annual percentage yield is based on an annual rate of interest that is guaranteed for a period of less than 1 year;

(2) variable rate accounts;

(3) accounts which, pursuant to law, do not guarantee payment of a stated rate;

(4) multiple rate accounts; and

(5) accounts with respect to which determination of annual percentage yield is based on an annual rate of interest that is guaranteed for a stated term.

SEC. 6. DISTRIBUTION OF SCHEDULES.

(a) IN GENERAL.—A schedule required under section 4 for an appropriate account shall be—

(1) made available to any person upon request;

(2) provided to any potential customer before an account is opened or a service is rendered; and

(3) provided to the depositor, in the case of any time deposit which is renewable at maturity without notice from the depositor, at least 30 days before the date of maturity.

(b) DISTRIBUTION IN CASE OF CERTAIN INITIAL DEPOSITS.—If—

(1) a depositor is not physically present at an office of a depository institution at the time an initial deposit is accepted with respect to an account established by or for such person; and

(2) the schedule required under section 4(a) has not been furnished previously to such depositor,

the depository institution shall mail the schedule to the depositor at the address shown on the records of the depository institution for such account no later than 10 days after the date of the initial deposit.

(c) DISTRIBUTION OF NOTICE OF CERTAIN CHANGES.—If—

(1) any change is made in any term or condition which is required to be disclosed in the schedule required under section 4(a) with respect to any account; and

(2) the change may reduce the yield or adversely affect any holder of the account,

all account holders who may be affected by such change shall be notified and provided with a description of the change by mail at least 30 days before the change takes effect.

(d) DISTRIBUTION IN CASE OF ACCOUNTS ESTABLISHED BY MORE THAN 1 INDIVIDUAL OR BY A GROUP.—If an account is established by more than 1 individual or for a person other than an individual, any distribution described in this section with respect to such account meets the requirements of this section if the distribution is made to 1 of the individuals who established the account or 1 individual representative of the person on whose behalf such account was established.

(e) NOTICE TO ACCOUNT HOLDERS AS OF THE EFFECTIVE DATE OF REGULATIONS.—For any account for which the depository institution delivers an account statement on a quarterly or more frequent basis, the depository institution shall include on or with any regularly scheduled mailing posted or delivered within 180 days after publication of regulations issued by the Board in final form, a statement that the account holder has the right to request an account schedule containing the terms, charges, and interest rates of the account, and that the account holder may wish to request such an account schedule.

SEC. 7. PAYMENT OF INTEREST.

(a) CALCULATED ON FULL AMOUNT OF PRINCIPAL.—Interest on an interest-bearing account at any depository institution shall be calculated by such institution on the full amount of principal in the account for each day of the stated calculation period at the rate or rates of interest disclosed pursuant to this Act.

(b) NO PARTICULAR METHOD OF COMPOUNDING INTEREST REQUIRED.—Subsection (a) shall not be construed as prohibiting or requiring the use of any particular method of compounding or crediting of interest.

(c) DATE BY WHICH INTEREST MUST ACCRUE.—Interest on accounts that are subject to this Act shall begin to accrue not later than the business day specified for interest-bearing accounts in section 606 of the Expedited Funds Availability Act, subject to subsections (b) and (c) of such section.

SEC. 8. PERIODIC STATEMENTS.

Each depository institution shall include on or with each periodic statement provided to each account holder at such institution a clear and conspicuous disclosure of the following information with respect to such account:

(1) The annual percentage yield earned.

(2) The amount of interest earned.

(3) The amount of any fees or charges imposed.

(4) The number of days in the reporting period.

SEC. 9. REGULATIONS.

(a) IN GENERAL.—

(1) REGULATIONS REQUIRED.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Board, after consultation with each agency referred to in section 10(a) and public notice and opportunity for comment, shall prescribe regulations to carry out the purpose and provisions of this Act.

(2) EFFECTIVE DATE OF REGULATIONS.—The regulations prescribed under paragraph (1) shall take effect not later than 6 months after publication in final form.

(3) CONTENTS OF REGULATIONS.—The regulations prescribed under paragraph (1) may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of accounts as, in the judgment of the Board, are necessary or proper to carry out the purposes of this Act, to prevent circumvention or evasion of the requirements of this Act, or to facilitate compliance with the requirements of this Act.

(4) DATE OF APPLICABILITY.—The provisions of this Act shall not apply with respect to any depository institution before the effective date of regulations prescribed by the Board under this subsection (or by the National Credit Union Administration Board under section 12(b), in the case of any depository institution described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act).

(b) MODEL FORMS AND CLAUSES.—

(1) IN GENERAL.—The Board shall publish model forms and clauses for common disclosures to facilitate compliance with this Act. In devising such forms, the Board shall consider the use by depository institutions of data processing or similar automated machines.

(2) USE OF FORMS AND CLAUSES DEEMED IN COMPLIANCE.—Nothing in this Act may be construed to require a depository institution to use any such model form or clause prescribed by the Board under this subsection. A depository institution shall be deemed to be in compliance with the disclosure provisions of this Act if the depository institution—

(A) uses any appropriate model form or clause as published by the Board; or

(B) uses any such model form or clause and changes it by—

(i) deleting any information which is not required by this Act; or

(ii) rearranging the format,

if in making such deletion or rearranging the format, the depository institution does not affect the substance, clarity, or meaningful sequence of the disclosure.

(3) PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT.—Model disclosure forms and clauses shall be adopted by the Board after duly given notice in the Federal Register and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

SEC. 10. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act—

(A) by the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) in the case of insured depository institutions (as defined in section 3(c)(2) of such Act);

(B) by the Federal Deposit Insurance Corporation in the case of depository institutions described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act which are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(C) by the Director of the Office of Thrift Supervision in the case of depository institutions described in clause (v) and or (vi) of section 19(b)(1)(A) of the Federal Reserve Act which are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(2) the Federal Credit Union Act, by the National Credit Union Administration Board in the case of depository institutions described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act.

(b) ADDITIONAL ENFORCEMENT POWERS.—

(1) VIOLATION OF THIS ACT TREATED AS VIOLATION OF OTHER ACTS.—For purposes of the exercise by any agency referred to in subsection (a) of such agency's powers under any Act referred to in such subsection, a violation of a requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act.

(2) ENFORCEMENT AUTHORITY UNDER OTHER ACTS.—In addition to the powers of any agency referred to in subsection (a) under any provision of law specifically referred to in such subsection, each such agency may exercise, for purposes of enforcing compliance with any requirement imposed under this Act, any other authority conferred on such agency by law.

(c) REGULATIONS BY AGENCIES OTHER THAN THE BOARD.—The authority of the Board to issue regulations under this Act does not impair the authority of any other agency referred to in subsection (a) to make rules regarding its own procedures in enforcing compliance with the requirements imposed under this Act.

SEC. 11. CIVIL LIABILITY.

(a) CIVIL LIABILITY.—Except as otherwise provided in this section, any depository institution which fails to comply with any requirement imposed under this Act or any regulation prescribed under this Act with respect to any person who is an account holder is liable to such person in an amount equal to the sum of—

(1) any actual damage sustained by such person as a result of the failure;

(2)(A) in the case of an individual action, such additional amount as the court may allow, except that the liability under this subparagraph shall not be less than $100 nor greater than $1,000; or

(B) in the case of a class action, such amount as the court may allow, except that—

(i) as to each member of the class, no minimum recovery shall be applicable; and

(ii) the total recovery under this subparagraph in any class action or series of class actions arising out of the same failure to comply by the same depository institution shall not be more than the lesser of $500,000 or 1 percent of the net worth of the depository institution involved; and

(3) in the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with a reasonable attorney's fee as determined by the court.

(b) CLASS ACTION AWARDS.—In determining the amount of any award in any class action, the court shall consider, among other relevant factors—

(1) the amount of any actual damages awarded;

(2) the frequency and persistence of failures of compliance;

(3) the resources of the depository institution;

(4) the number of persons adversely affected; and

(5) the extent to which the failure of compliance was intentional.

(c) BONA FIDE ERRORS.—

(1) GENERAL RULE.—A depository institution may not be held liable in any action brought under this section for a violation of this Act if the depository institution demonstrates by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(2) EXAMPLES.—Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with respect to a depository institution's obligation under this Act is not a bona fide error.

(d) NO LIABILITY FOR OVERPAYMENT.—A depository institution may not be held liable in any action under this section for a violation of this Act if the violation has resulted in—

(1) an interest payment to the account holder in an amount greater than the amount determined under any disclosed rate of interest applicable with respect to such payment; or

(2) a charge to the consumer in an amount less than the amount determined under the disclosed charge or fee schedule applicable with respect to such charge.

(e) JURISDICTION.—Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within 1 year after the date of the occurrence of the violation involved.

(f) RELIANCE ON BOARD RULINGS.—No provision of this section imposing any liability shall apply to any act done or omitted in good faith in conformity with any regulation or order, or any interpretation of any regulation or order, of the Board, or in conformity with any interpretation or approval by an official or employee of the Board duly authorized by the Board to issue such interpretation or approval under procedures prescribed by the Board, notwithstanding, the fact that after such act or omission has occurred, such regulation, order, interpretation, or approval is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

(g) NOTIFICATION OF AND ADJUSTMENT FOR ERRORS.—A depository institution shall not be liable under this section or section 10 for any failure to comply with any requirement imposed under this Act with respect to any account if—

(1) before—

(A) the end of the 60-day period beginning on the date on which the depository institution discovered the failure to comply;

(B) any action is instituted against the depository institution by the account holder under this section with respect to such failure to comply; and

(C) any written notice of such failure to comply is received by the depository institution from the account holder,

the depository institution notifies the account holder of the failure of such institution to comply with such requirement; and

(2) the depository institution makes such adjustments as may be necessary with respect to such account to ensure that—

(A) the account holder will not be liable for any amount in excess of the amount actually disclosed with respect to any fee or charge;

(B) the account holder will not be liable for any fee or charge imposed under any condition not actually disclosed; and

(C) interest on amounts in such account will accrue at the annual percentage yield, and under the conditions, actually disclosed (and credit will be provided for interest already accrued at a different annual percentage yield and under different conditions than the yield or conditions disclosed).

(h) MULTIPLE INTERESTS IN 1 ACCOUNT.—If more than 1 person holds an interest in any account—

(1) the minimum and maximum amounts of liability under subsection (a)(2)(A) for any failure to comply with the requirements of this Act shall apply with respect to such account; and

(2) the court shall determine the manner in which the amount of any such liability with respect to such account shall be distributed among such persons.

(i) CONTINUING FAILURE TO DISCLOSE.—

(1) CERTAIN CONTINUING FAILURES TREATED AS 1 VIOLATION.—Except as provided in paragraph (2), the continuing failure of any depository institution to disclose any particular term required to be disclosed under this Act with respect to a particular account shall be treated as a single violation for purposes of determining the amount of any liability of such institution under subsection (a) for such failure to disclose.

(2) SUBSEQUENT FAILURE TO DISCLOSE.—The continuing failure of any depository institution to disclose any particular term required to be disclosed under this Act with respect to a particular account after judgment has been rendered in favor of the account holder in connection with a prior failure to disclose such term with respect to such account shall be treated as a subsequent violation for purposes of determining liability under subsection (a).

(3) COORDINATION WITH SECTION 10.—This subsection shall not limit or otherwise affect the enforcement power under section 10 of any agency referred to in subsection (a) of such section.

SEC. 12. CREDIT UNIONS.

(a) IN GENERAL.—No regulation prescribed by the Board under this Act shall apply directly with respect to any depository institution described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act.

(b) REGULATIONS PRESCRIBED BY THE NCUA.—Within 90 days of the effective date of any regulation prescribed by the Board under this Act, the National Credit Union Administration Board shall prescribe a regulation substantially similar to the regulation prescribed by the Board taking into account the unique nature of credit unions and the limitations under which they may pay dividends on member accounts.

SEC. 13. EFFECT ON STATE LAW.

The provisions of this Act do not supersede any provisions of the law of any State relating to the disclosure of yields payable or terms for accounts to the extent such State law requires the disclosure of such yields or terms for accounts, except to the extent that those laws are inconsistent with the provisions of this Act, and then only to the extent of the inconsistency. The Board may determine whether such inconsistencies exist.

SEC. 14. DEFINITIONS.

For the purposes of this Act—

(1) ACCOUNT.—The term "account" means any account offered to 1 or more individuals or an unincorporated nonbusiness association of individuals by a depository institution into which a customer deposits funds, including demand accounts, time accounts, negotiable order of withdrawal accounts, and share draft accounts.

(2) ANNUAL PERCENTAGE YIELD.—The term "annual percentage yield" means the total amount of interest that would be received on a $100 deposit, based on the annual rate of simple interest and the frequency of compounding for a 365-day period, expressed as a percentage calculated by a method which shall be prescribed by the Board in regulations.

(3) ANNUAL RATE OF SIMPLE INTEREST.—The term "annual rate of simple interest"—

(A) means the annualized rate of interest paid with respect to each compounding period, expressed as a percentage; and

(B) may be referred to as the "annual percentage rate".

(4) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(5) DEPOSIT BROKER.—The term "deposit broker"—

(A) has the meaning given to such term in section 29(f)(1) of the Federal Deposit Insurance Act; and

(B) includes any person who solicits any amount from any other person for deposit in an insured depository institution.

(6) DEPOSITORY INSTITUTION.—The term "depository institution" has the meaning given such term in clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act.

(7) INTEREST.—The term "interest" includes dividends paid with respect to share draft accounts which are accounts within the meaning of paragraph (3).

(8) MULTIPLE RATE ACCOUNT.—The term "multiple rate account" means any account that has 2 or more annual rates of simple interest which take effect at the same time or in succeeding periods and which are known at the time of disclosure.

The SPEAKER. Pursuant to the rule, the gentleman from California [Mr. TORRES] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. TORRES].

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

Mr. Speaker, today we are considering a bill that is long overdue. The Truth-in-Savings Act has been before this body for a number of years now,

but has never quite made it to that final resting place—enactment into law. I trust that this year will be different, that it will be the 102d Congress which enacts this bill.

A number of my colleagues have worked diligently over the years to develop and refine this legislation and they should be commended for their persistence. Representative FRANK ANNUNZIO was at the forefront in bringing this issue before Congress many years ago, Chairman HENRY GONZALEZ, chairman of the Committee on Banking, Finance and Urban Affairs, has demonstrated leadership in strengthening and expediting the bill, and Representative RICHARD LEHMAN is to be commended for the diligence he has shown over the years in crafting many of the compromises necessary to move the legislation. I also want to acknowledge the cooperation I received from Representative AL MCCANDLESS, my colleague from California in developing the bill before us today.

Similar legislation was approved unanimously in the 99th, 100th and 101st Congresses. The other body has also approved truth-in-savings legislation over the years, and this year it is included in the bank reform bill approved by that Chamber's Banking Committee.

Extensive hearings have been held on this subject since 1984. As a result of these hearings and deliberations, careful compromises have been developed and are reflected in this bill. The committee has worked extensively with the banking industry, Federal regulators, and consumer groups, all of which have voiced their support for the bill we have before us today.

Essentially, the bill will enable consumers to compare different savings and investment products so that they may make informed decisions about investing their money. It provides guidelines to depository institutions regarding the type of information that must be disclosed in advertisements, solicitations, and announcements. Specifically, it requires clear and uniform disclosure of the interest rates, earned yields, fees, terms, and conditions of deposit accounts. With the increasing sophistication and complexity of the financial marketplace, there is a need for consumers to be given simple and understandable information about bank products.

In particular, the bill ensures that consumers will receive interest on the entire amount on deposit in their account each day. This will effectively prohibit the practice currently used by some banks of paying interest on only a portion of the consumer's balance while advertising the rate as if it were being paid on 100 percent of the balance.

An uninformed consumer is easy prey for confusing or deceptive market practices. It is time Congress did something to provide consumers with the knowledge to safeguard against the dangers posed by a confusing marketplace. Informed consumer choice is the foundation of a healthy economy. The legislation we are now considering will help provide such a choice.

I urge all of my colleagues to support this important bill.

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

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

Mr. Speaker, I join my colleague from California, the chairman of the subcommittee, in support of this legislation.

The goal of truth in savings is to establish uniform standards of disclosure for depository accounts.

Specifically, the bill requires clear disclosure of the terms and conditions on which interest will be paid on an account, and what fees or charges may be assessed.

All printed solicitations for depository accounts will be required to contain the following information: The annual percentage yield or APY; the period of time the stated APY is in effect; the minimum opening deposit required for that account; the minimum balance required for that account; fees or conditions that could reduce the APY; and penalties which may be imposed on that account.

The bill before us also requires current depository account holders to be notified that schedules are available from the financial institution upon request.

The bill prohibits the advertisement of free accounts for accounts which require minimum balances or limit the number of transactions.

Perhaps the strongest proconsumer provisions of H.R. 2654 are those which prohibit the use of the investible balance method of calculating interest.

A few financial institutions have a policy of only paying interest on 88 percent of the principal. Consequently, many depositors have been shocked to discover that their yield is much smaller than they had been promised.

This bill does not mandate the use of a specific method of calculating interest, but it very explicitly requires that the method be disclosed and interest be paid on the full principal.

The bill also requires some standardization of information on the periodic statements that financial institutions send to their customers.

That information will include: The APY earned; the amount of interest earned; the amount of any fees or charges imposed; and the number of days in the statement period.

Most financial institutions are already, voluntarily, in full compliance with the provisions of this legislation.

However, this bill will ensure that all institutions are playing by the same rules and that no one can exploit a commercial advantage by not providing their customers with full disclosure.

The bill is not perfect. I have some strong reservations about provisions of the bill that, in the name of enforcement, create another title in the "Lawyers Full Employment Act."

In my opinion, expedited resolution is preferable to lawsuits.

I offered an amendment in subcommittee to address the issue, but it failed on an 8-to-8 tie vote.

I offered the same amendment in full committee, and again lost on a tie vote, this time 26 to 26.

Realizing that I had already set a record for two tie votes on the same amendment, I decided not to pursue it on the floor.

Frankly, in the event of a 217-to-217 vote, I suspect the Speaker would be inclined to vote with the subcommittee chairman.

That issue aside, this bill is the product of mutual cooperation between the majority and the minority.

The administration has no objection to the bill, but will seek a couple of minor amendments to it in the Senate.

It is a good bill. It is good for consumers, and it is good for financial institutions. It should be supported.

Mr. LEHMAN of California. Mr. Speaker, I rise today in support of H.R. 2654, the Truth-in-Savings Act, which would provide needed disclosure to consumers by depository institutions of the interest and fees associated with deposit accounts. Since 1984 I have introduced legislation to give consumers the ability to effectively compare different deposit instruments. By requiring uniformity in how this information is disseminated, consumers can determine the true cost and yield of each account being offered.

You would be surprised at the variety of ways the yield you are earning on your savings account could be calculated. Just knowing the interest rate being offered is not enough. Both the amount used as a basis to calculate the yield and the time period in which it is compounded can dramatically affect what is truly earned on your account. Essentially, a consumer today really has no means to calculate how much money they will really have at the end of a given time.

The result is that institutions compete with "teaser ads" and other promotions that suggest they pay high rates while they are in fact manipulating the calculations to reduce what they actually pay depositors. Clearly, guidelines are needed to prevent this type of abuse and deception and to give the consumer the tools necessary to comparative shop for the best deals.

The delay over the years in enacting this legislation has only heightened the need for it. As financial markets become bigger and more complex, consumers become even more confused. Simple and understandable disclosure of terms, fees, and conditions and yields will go far to eliminate that confusion.

When I served as chairman of the Banking Subcommittee on Consumer Affairs, I consid-

ered this measure a top priority. I am pleased that my successor, Congressman TORRES, has the same commitment to ensuring that this legislation proceeds expeditiously through the legislative process. I am hopeful that, either as a stand-alone bill or as part of a larger banking package, this legislation will finally be enacted. I urge my colleagues to support this much-needed measure.

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 2654, the Truth in Savings Act. This legislation is intended to give consumers a means to compare the promised interest rates on all savings deposits, including certificates of deposit. It also would require that interest be paid on the total amount in a depositor's account, ending the practice used by some banks of paying interest only on the investible deposit, which does not include the amount mandated to be maintained in cash reserves.

H.R. 2654 would mandate that interest be paid on the full collected balance in an account, computed on a daily basis. The bill, however, would not mandate that interest be paid or computed in a specific manner. Disclosure statements to customers and bank advertisements would have to indicate the annual percentage yield on accounts, computed in such a way that reported yields on different accounts could be readily compared. Banks also would have to disclose clearly all fees and terms, such as minimum balances, and could not advertise accounts as being free of charge if a minimum balance requirement applied. Civil fines could be assessed on banks that did not comply with the law, but bona fide errors that were caught by the bank and promptly corrected would not subject the bank to a penalty.

During consideration of H.R. 2654 by the Banking Committee, I offered an amendment, which was adopted by voice vote, that would mandate that periodic statements issued by financial institutions disclose: First, the annual percentage yield earned; second the amount of interest earned; third, the amount of any fees or charges imposed; and fourth, the number of days in the statement period. My amendment also added a statutory definition of the term "annual rate of simple interest" which is used in the legislation to define the "annual percentage yield." I believe that these additions strengthen the bill before us today.

Earlier this year, I introduced legislation, H.R. 2674, which includes many of the basic provisions of H.R. 2654, but also includes several other provisions suggested by Richard L.D. Morse, emeritus professor of family economics at Kansas State University, such as the proposals in the amendment I offered to H.R. 2654. Professor Morse has prepared an analysis of the provisions of H.R. 2654. As compared with the issues addressed in H.R. 2674. His analysis will follow my statement in today's CONGRESSIONAL RECORD.

In addition, My legislation would apply truth in savings mandates to credit unions, as does H.R. 2654, and would preempt inconsistent State laws, as does H.R. 2654. My legislation, H.R. 2674, would also apply truth in savings standards to mutual funds; this provision is not included in H.R. 2654, because the House Banking Committee does not have jurisdiction over the securities industry. On August 2, however, the Senate Banking, Housing and Urban Affairs Committee approved S. 543, omnibus banking regulation overhaul legislation which includes truth in savings language similar to that found in H.R. 2654. S. 543 would apply truth in savings standards to mutual funds, using language identical to that found in H.R. 2674. I hope that any truth in savings legislation ultimately approved by a House-Senate conference committee will apply truth in savings standard to mutual funds.

I am confident that many Kansas financial institutions already are meeting the standards established by these proposals. While I am sensitive to the concern that these proposals would increase the Federal regulatory burden placed on banks, I believe that banks should move affirmatively to meet these relatively uncomplicated disclosure standards. Doing so would help to maintain public confidence in financial institutions, which has been sorely tested during the past few years. I also believe it is essential that truth in savings standards be imposed on credit unions and mutual funds, as well as banks and savings and loans, so that consumers can make informed comparisons between the services offered by various savings vehicles.

I urge my colleagues to support H.R. 2654 and I commend my colleagues, Consumer Affairs and Coinage Subcommittee Chairman ESTEBAN TORRES and Banking, Finance and Urban Affairs Committee Chairman HENRY GONZALEZ, for bringing this measure before the full House of Representatives. I hope that the 102d Congress will present truth in savings legislation to the President for his signature.

ANALYSIS OF H.R. 2654

(By Dr. Richard L.D. Morse)

I am very supportive of this bill, not because I am convinced that banks do not tell the truth—they do—but because I know how confused consumer/depositors are about their own savings accounts and what they foresee happening in the banking system. This bill is needed.

Not only are depositors concerned about the collapse of FSLIC, and now FDIC, but they witness bank mergers, closing of local branch bank facilities, emergence of branch banks whose decision-makers are based out-of-state and out-of-reach. If they have trouble with their accounts, the tellers or machine ATMs are of little or no assistance. Locating the right government regulatory office having jurisdiction with authority over their savings presents a major hurdle. And then the regulator is too often disinclined to appreciate the consumer problem since it deals mainly with, is paid by, and represents the banking system. I once wanted to know the number of days of a term certificate and had to deal with 3 government agencies, made five bank contacts and wrote 11 letters. That very expensive pursuit answered a question about one situation confronted six months previously. But situations change so radically that the information probably no longer is currently useful, current situation. If this bill had been in place, the information wanted would have been available as a routine matter. A depositor will no longer need to beg, plead or even request the information; it and other essential information will be disclosed in the schedule, in the savings contract, and perhaps even reprinted on the periodic statement reporting account activity and balances.

I do have some concerns about the Act and have three major recommendations:

A. I am disappointed that H.R. 2654 does not require full disclosure of basic facts about the account on the account statement so the account holder, a financial planner, the tax accountant or bank examiner could verify the accuracy of interest payments and fees and charges imposed. Each statement, in my view, should be "self-proving" just as are bank statements now being sent their credit card holders. What I will propose is to have savings customers treated as respectfully as credit customers. It is the practical, feasible, decent and ethical way of doing savings business, respecting depositor rights and the need to be informed.

Specifically, I recommend: Amend section 8 periodic statement by adding:

(5) the date and amount of each transaction. This is a normal and customary procedure.

(6) the date on which interest begins to accrue if other than the transaction date. Without this there is no way one can compute the interest. The bank must know the dates when it computes the interest, why not tell the depositor?

(7) the rate or rates and balances to which the periodic rates were applied during the period to compute interest earning. This can be accomplished by adopting the credit card disclosure model, printing on the statement: "interest is calculated by applying the daily rate to the daily balances", or, if there is daily compounding, by inserting: "interest is calculated and paid daily." However, if exotic tiered rates or other complex rate systems are used, then more complicated designators will need to be devised. The cost of explaining these complexities will become part of the cost considerations which the bank should calculate. Under the present law, the cost of deciphering is borne totally by the unsophisticated depositor. I am convinced that the efficient institutions will apply good business practices to find the least costly method of giving the facts.

(8) any other facts needed to verify the account. This fully establishes the intention of the Act. Depository institutions must disclose not only items (1) through (7), but any other information a depositor or bank examiner would need in order to verify the account.

I am of the opinion that this legislation should be reflective of the respect Congress holds for the capacity of depositors to know and understand their accounts. I anticipate that following enactment of this Act depositors will have justifiable confidence in their financial institution's handling of their savings. This should result in consumer confidence and willingness to save with financial institutions. I am convinced that the Congress is in a critical position to enhance consumer confidence in savings.

B. Secondly, I recommend: delete section 7(c) the effect of which will then be to expect institutions to accrue interest beginning on the day-of-deposit. As the Act now stands, the payment of interest could be delayed until the next business day after the bank receives "provisional credit" on deposited funds. This delay gives the banks 1 to 5 or more days of float. My reasons are as follows:

1. Depositors now know the day they deposit funds. They customarily are given a dated deposit slip or other tangible record dating the deposit. The day that "provisional credit" is granted and the distinction

between a "business" and "calendar" day is not common knowledge, making the day interest begins unknown to the depositor, the Congress should not tolerate hiding the effective date of deposited funds.

2. The first "business day" following the "provisional credit" date could be disclosed. Under the amendment I have proposed to Section 8, two dates could be required: the "Transaction date" and the "interest bearing date." There is precedent for this 2-date procedure; many banks in their monthly credit statements give both the date of the credit transaction and the posting date. The finance charge calculation my bank uses is the "posting date." I know this from reading the Truth in Lending mandated disclosure on the back of my bank statement.

Double dates are not required, of course; the second date can be avoided by a change in policy to pay interest from day of deposit. Nevertheless, a cost/benefit analysis may reveal to banks that the cost of disclosing the second date is less than the interest saved by not paying interest during the float period. I anticipate the opposite, but that will be their decision. Under the present wording of the Act, the trade-offs are not fair. The bank gains from not having to pay interest during the undisclosed float days, whereas the depositor looses both the float interest and the date information. My amendments would give requirer inclusion of both tradeoff factors.

3. The "float" or difference in time between date-of-deposit and date-of-provisional credit is the result of the way the banking system works which is beyond depositor control or influence. Float is strictly a banking problem. The banking system has made great strides in reducing the float, especially since passage of the Expedited Funds Availability Act. I feel confident that banks will continue working to reduce float time and especially with the incentive to save on interest. Floats are a cost of banking which should be borne by the banks and not passed on to the depositor.

4. "Most banks (47%) pay interest on consumer accounts from date of deposit" reports the Federal Reserve Board in The 1989 Report to Congress under the Expedited Funds Availability Act. Why, I ask, is it provident to encourage banks to change from this simple and natural way of doing business?

5. It is argued that banks are mistreated by depositors' "double dipping" getting interest on their outstanding check balance while getting interest on checks from day of deposit until cleared. True. But likewise do banks "double dip" when lending money, getting interest from the date credit is extended until the borrower's check clears the banking system. Both types of floats will continue in the absence of electronic money transfers which eliminates floats.

C. My third recommendation relates to the authorization given the Board which in effect transfers the judgment of Congress to the Board in determining what is allowable under the Act. I much prefer that the Congress establish specific principles and guidelines for the Board to follow, and also to require the Board after one year from the date of final regulations to file a report to the Congress on the effectiveness of the Act from the perspective of depositors and depository institutions. The report should also contain recommended changes in legislation needed to correct for any deficiencies or hardships caused depositors and depository institutions.

I take very seriously the plea for relief from regulations. My answer is that we not shy away from needed legislation, but write legislation that is so tight it does not require voluminous interpretations.

It is also my observation that the Board has had sufficient authority in the past to address many of the practices which have deceived and confused depositors, and hence have made it a necessity for the Congress to write this legislation. A simple example is the unwillingness of the Board to clarify the meaning of such a commonly used and basic word as "annual." Instead, the Board has written extensive regulations, pages in length, legalizing almost every conceivable day combination for calculating interest. Another example is the failure of the Board to give a precise functional definition of "Annual Rate of Simple Interest" especially after they had precedence for this when Congress defined "Annual Percentage Rate." This bill, I believe addresses both of these deficiencies adequately. If not, the Board should return after a year's experience with the language provided by the Congress with recommended changes.

Specifically, I recommend:

1. Delete Section 9(3) Contents of Regulations.

The Board is given authority over broadcasting and electronic media in Section 3 (b).

The Board is directed in Sec. 4(a) to specify which fees, charges, etc, must be included in a schedule and how the schedule should be maintained.

The Board's authorization is further expanded in Sec. 4(d) "to include such other disclosures as the Board may determine to be necessary to allow consumers to understand and compare accounts, ..." This includes understanding on the part of Board staff as well as depositors successful verification of their accounts.

The Board is directed in Sec. 9(4) to publish model disclosure forms and clauses.

Thus it would seem that the role of the Board is sufficiently explicit that it need not be given the broad latitude of (3).

2. Delete in Section 14 DEFINITIONS, (2) Annual Percentage Yield the last 13 words: "calculated by a method which shall be prescribed by the Board in regulations.

The inclusion of those words suggests that the Congress is not clear as to the meaning of the 4 components of the definition. Surely there can be no doubt as to the meaning of: "amount of interest," "$100 deposit," and "a 365-day period."

The other critical word in the definition is "percentage" which is a standard arithmetic term. There should be no doubt that, for example, $6.00 interest on a $100 deposit can only be expresed as 6 percent. And if it is for a 365-day period, the correct expression would be 6 percent per annum.

There was no testimony from the Board suggesting need to clarify this definition of the APY, and I submit that in the absence of proven need to do otherwise the Congress should not yield to giving the Board authorization to redefine Annual Percentage Yield.

In closing, I wish to underscore the warning given on Board testimony of over-regulation. In its May 30, 1991 statement, the Board forewarned: ". . . We know first hand that simple concepts such a 'Truth in Savings' invariably results in complicated regulations." It continues to suggest why this has been the history: "To encompass the diversity of industry practices and products, implementing rules are often intricate and voluminous." I agree with the observation, but disagree that this is inevitable indeed, the purpose of my amendments is to curb the tendency of the Board to consider as its responsibility to legalize by regulations products so complex and convoluted as to beguile regulators and confound depositors. My amendments should discourage such temptations.

There is no intention by my amendments to limit the development of new products or reduce the number of products made available to consumers, provided they meet the test of being understandable and comparable by the depositor who may be unsophisticated in finance.

□ 1700

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

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

The SPEAKER pro tempore (Mr. SABO). The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the bill, H.R. 2654, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TORRES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

CUYAHOGA NATIONAL RECREATION AREA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2181) to permit the Secretary of the Interior to acquire by exchange lands in the Cuyahoga National Recreation Area that are owned by the State of Ohio, as amended.

The Clerk read as follows:

H.R. 2181

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

SECTION 1. ACQUISITION OF STATE OR LOCAL LANDS BY EXCHANGE.

Section 2(b) of the Act entitled "An Act to provide for the establishment of the Cuyahoga Valley National Recreation Area", approved December 27, 1974 (16 U.S.C. 460ff-1(b)), is amended by striking "may be acquired only by donation." and inserting "within the boundaries of the recreation area may be acquired only by donation or exchange for equal value. In determining the exchange value of lands of the State or any political subdivision thereof under this subsection, the Secretary shall not include in the value of those lands amounts paid from the land and water conservation fund, if any, for the original acquisition of those lands by the State or political subdivision.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2181, introduced by Representative THOMAS SAWYER, would permit the Secretary of the Interior to acquire by exchange publicly owned lands in the Cuyahoga Valley National Recreation Area in the State of Ohio.

The Cuyahoga Valley National Recreation Area was established under the leadership of our former colleague John Seiberling, in 1975 and is located along a 22-mile stretch of the Cuyahoga River between Cleveland and Akron, OH. The valley contains a number of natural features including marsh, forest and meadow habitats, and significant historical and archeological resources. The park was established to protect for public use and enjoyment the historic, scenic, natural, and recreational values of the Cuyahoga River Valley and maintain open space and recreational opportunities necessary for the urban environment.

Cuyahoga is a prime example of a "partnership park" in which numerous public and private entities work closely together to carry out their shared goals of resource protection and visitor enjoyment. Over half of the park is not national lands, and most of that area is owned by other public entities. Two major Metropolitan park systems, Cleveland Metroparks and the Akron Metropolitan Park District, own nearly 7,800 acres within the park's boundaries.

The Subcommittee on National Parks and Public Lands held a hearing on H.R. 2181 in early June. At this hearing representatives of the National Park Service and local park districts described the management difficulties which arise from the current checkerboard pattern of land ownership at Cuyahoga Valley. Current law allows the National Park Service to acquire public lands by donation only, and local laws and regulations restrict the ability of local governments to donate land to the park. This conflict leads to management difficulties in several areas including law enforcement, resource management, and capital improvements such as roads and towpaths. By providing the Secretary of the Interior the authority to exchange lands with public entities within the park, this bill provides added flexibility to address these management issues.

The Interior Committee adopted an amendment in the nature of a substitute to the bill which makes several clarifications about the exchange the authority provided by the legislation. The committee substitute provides that exchanges would have to be within the boundaries of the park and of equal value, except that appropriate adjustments should be made in cases where funds from the land and water conservation fund were used by the State or municipal government for land acquisition of a parcel to be exchanged. The purpose of this provision is to ensure that the Federal Government does not in effect pay twice for the same piece of property. This clarification was sought by the National Park Service and I believe it is a good policy.

H.R. 2181 is a prudent bill which improves the ability of the National Park Service to manage the Cuyahoga Valley National Recreation Area in cooperation with State and local governments. I urge the House to pass the bill as amended by the Interior Committee.

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

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

Mr. Speaker, I rise in support of H.R. 2181 as reported by the full Interior Committee. We heard testimony explaining the complicated and fragmented land ownership pattern at this park. I certainly agree that this current land ownership pattern is largely unworkable from a management perspective for the various government agencies involved. Therefore, this legislation is necessary to resolve the problems and I, like the administration, support it.

However, before we pass this bill in the House and send it to the other body, I think it is important to reflect for a moment on how we got to this point of fractionalized ownership. In other words, why has the Federal Government acquired numerous tracts of land at Cuyahoga which it now finds unsuitable for retention or surplus to its management needs. The answer to this question is found in the history of land acquisition at this park.

The overly aggressive nature of Federal land acquisition at this park has been well documented. Not only has that past resulted in extremely adverse and unnecessary impacts on numerous private property owners, and a very difficult relationship between the NPS and local persons, but of even greater concern to this Member is the fact that Federal funds were used to acquire lands which were surplus to the agency needs. This heavy-handed land acquisition is apparently continuing today at this park, as evidenced by administration testimony that 50 percent of the lands acquired that the park currently are acquired through condemnation proceedings.

While I support this measure as necessary to resolve existing problems, it is a clear example of costly and unnecessary Federal land acquisition. I would hope that this measure does not encourage even more unnecessary acquisition, but instead causes NPS to examine the rationale behind land acquisition policies pursued at Cuyahoga to date.

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

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. SAWYER], the sponsor of the bill.

Mr. SAWYER. Mr. Speaker, I say to the gentleman from Minnesota [Mr. VENTO], "Thank you." It is because of your work and the efforts of your committee that this bill has reached the House floor so quickly. This is important to northeastern Ohio and I am grateful for this undertaking.

The goal of this legislation is straightforward—to provide the National Park Service [NPS] with the authority to exchange properties within the State of Ohio and its 17 governmental subdivisions that have land holdings throughout the Cuyahoga Valley National Recreation Area.

The Cuyahoga Valley is a treasured asset for the residents of northeastern Ohio and the many communities who share its boundaries.

The Cuyahoga Valley is a partnership park. It strives to maintain a productive and cooperative relationship with all its neighbors, communities, and residents alike.

However, existing restrictions on the transfer of publicly held properties pose serious problems for the Cuyahoga Valley.

Under current law, the NPS can acquire publicly owned properties only through donations. In a real partnership, this one-sided means of acquiring property does not work very well.

The Cuyahoga Valley's partnership includes two metropolitan park systems—Cuyahoga and Summit counties. Together they own and manage more than 7,500 acres in the park.

It also includes 15 municipalities. Each has its own agenda, with goals that often directly complement resources and programs within the Cuyahoga Valley.

This totals more than 9,100 acres of non-Federal public lands scattered throughout the park.

You can imagine how difficult this has made effective management and development. From law enforcement to capital planning, the Cuyahoga Valley and its local counterparts have to overcome enormous obstacles.

The random land ownership patterns within the Cuyahoga Valley are dysfunctional. At the very least, the ownership patterns leave questions as to who is responsible for what. More often, they pose serious barriers to major park projects.

This legislation will alleviate this problem. It will permit the National Park Service to acquire, by exchange, lands within the Cuyahoga Valley.

I am confident that this authority will significantly improve the NPS's ability to collaborate with local jurisdictions and carry out its mandate.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume just to point out that this is a partnership park. There have been some land management practices that ended up being controversial in the past. This measure has really little to do with them other than to provide for a more uniform and rational type of land management between the various government units that make it up. Often issues that ended up being litigated were to clear title, were to establish fair prices, but there were some controversies that did ensue in this area. I think that very often, Mr. Speaker, they had been blown out of proportion.

The important point is that this issue of the Cuyahoga Valley, which was worked on by my former colleague and which the gentleman from Ohio [Mr. SAWYER] is picking up the work on it, has an enormously important resource in a populated area that is serving an important segment of the community in terms of recreation and natural area which should, and hopefully will in perpetuity, be serving the residents of Ohio and the Nation.

Mr. Speaker, it is a marvelous resource. I have had a chance to visit it. I commend my colleagues to stop and take a look at it, and to visit it as well, and urge them to support this modest bill which provides for the consolidation of some of the land ownership patterns.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2181, as amended.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 194.

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

There was no objection.

STONES RIVER NATIONAL BATTLEFIELD, TN

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2370) to expand the boundaries of Stones River National Battlefield, TN, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2370

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

SECTION 1. STONES RIVER NATIONAL BATTLEFIELD BOUNDARY CHANGE.

The Act entitled "An Act to amend the boundaries of Stones River National Battlefield, Tennessee, and for other purposes", approved December 23, 1987 (101 Stat. 1433), is amended as follows:

(1) In the first sentence of section 1(a) strike "numbered 327/80,001, and dated March 1987" and insert "numbered 327/80,004A, and dated September 1991".

(2) In section 1(b), insert "(1)" after "LANDS.—", and add at the end thereof the following:

"(2) Before acquiring any lands under this Act whose surface has been substantially disturbed or which are believed by the Secretary to contain hazardous wastes, the Secretary shall (A) prepare a report on the potential hazardous wastes or similar problems associated with such lands and the costs of restoring such lands, together with a plan of the remedial steps that must be taken to correct the situation in order to proceed with the acquisition in a timely manner, and (B) submit the report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

"(3)(A) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use, an owner of improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain, as a condition of such acquisition, a right of use and occupancy of the property for such residential purposes. The right retained may be for a definite term which shall not exceed 25 years or, in lieu thereof, for a term ending at the death of the owner or the death of the spouse, whichever is later. The owner shall elect the term to be retained. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner.

"(B) Any right of use and occupancy retained pursuant to this section may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of the property in accordance with the purposes of this Act. Upon his determination that the property, or any portion thereof, has ceased to be so used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

"(C) This paragraph applies only to owners who have reached the age of majority.

"(D) As used in this paragraph, the term 'improved property' means a detached, year-round noncommercial residential dwelling, the construction of which was begun before the date of enactment of this paragraph, together with so much of the land on which dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.".

(3) Section 2 is amended to read as follows:

"SEC. 2. AGREEMENT.

"The Secretary is authorized to enter into an agreement with the city of Murfreesboro, Tennessee, containing each of the following provisions—

"(1) If the city agrees to acquire sufficient interest in land to construct a trail linking the battlefield with Fortress Rosecrans, to construct such trail, and to operate and maintain the trail in accordance with standards approved by the Secretary, the Secretary shall (A) transfer to the city the funds available to the Secretary for the acquisition of such lands and for the construction of the trail, and (b) provide technical assistance to the city and to Rutherford County for the purpose of development and planning of the trail.

"(2) The Secretary shall agree to accept the transfer by donation from the city of the remnants of Fortress Rosecrans of Old Fort Park, and following such transfer, to preserve and interpret the fortress as part of the battlefield.

"(3) In administering the Fortress Rosecrans, the Secretary is authorized to enter a cooperative agreement with the city of Murfreesboro, Tennessee for the rendering, on a nonreimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.".

(4) Redesignate section 3 as section 4, and insert the following new section after section 2:

"SEC. 3. PLANNING.

"(a) PREPARATION OF PLAN FOR REDOUBT BRANNAN.—The Secretary shall, on or before February 1, 1992, prepare a plan for the preservation and interpretation of Redoubt Brannan.

"(b) UPDATE OF GENERAL MANAGEMENT PLAN.—The Secretary shall, on or before March 31, 1993, update the General Management Plan for the Stones River National Battlefield.

"(c) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide technical assistance to the city and to Rutherford County in the development of zoning ordinances and other land use controls that would help preserve historically significant areas adjacent to the battlefield.

"(d) MINOR BOUNDARY REVISIONS.—If the planning activities conducted under subsections (a) and (b) of this section show a need for minor revisions of the boundaries indicated on the map referred to in section 1 of this Act, the Secretary may, following timely notice in writing to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate of his intention to do so and providing an opportunity for public comment, make such minor revisions by publication of a revised boundary map or other description in the Federal Register.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

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

□ 1710

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2370, A bill to add lands to Stones River National Battlefield was introduced by Congressman BART GORDON, a man who has taken an active interest in this park. The 1862–63 Battle of Stones River marked the beginning of the end for the Confederate Army of Tennessee. Stones River is also one of the 25 priority sites of Interior Secretary Lujan's American battlefield protection plan. Located in fast-growing Murfreesboro, this bill for Stones River National Battlefield has additional urgency because a highway bypass that will bring additional development to the area is now being built adjacent to the battlefield.

The Committee on Interior and Insular Affairs amended H.R. 2370. As amended, H.R. 2370 authorizes the acquisition of additional lands, directs the Secretary of the Interior to prepare and submit to the Congress a report on those lands which have been substantially disturbed or which may contain hazardous wastes. The Department of the Interior has a policy against acquisition of contaminated lands. I agree with that policy. Those lands whose soil profile has been substantially altered should be acquired only if the acquisition furthers park purposes and if the benefits exceed the costs of restoration.

H.R. 2370 also authorizes the Secretary to enter into an agreement with the city of Murfreesboro concerning the construction of a trail between the park and Fortress Rosecrans and the donation of Fortress Rosecrans to the park. Fortress Rosecrans could be used to interpret some of the logistical issues of the Civil War. The American public seldom has the opportunity to realize that the Union's superior industrial and agricultural strength and its larger population were as critical to Union victory as campaign strategy and battlefield tactics. Fortress Rosecrans can provide such an opportunity.

Finally, H.R. 2370 calls for the preparation of a preservation and interpretation plan for Redoubt Brannan and a new general management plan for the park. Mr. Speaker, I endorse this legislation and look forward to its passage.

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

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

Mr. Speaker, I rise today in support of H.R. 2370, a bill to substantially expand the existing Stones River National Battlefield by over 300 acres. Mr. VENTO has already explained the historic events which took place at this battlefield, as well as the bill before Members today.

I would just like to commend the bill's sponsor, Mr. GORDON for bringing forward a comprehensive measure which attempts to fully address all of the boundary issues at this park. All the lands proposed for acquisition were directly related to action on the battlefield and most have been proposed for acquisition in the past by the National Park Service.

The administration has generally supported his measure, except for transfer of management responsibility for Fortress Rosecrans and any requirements that contaminated or otherwise highly altered lands be acquired. It is not the intention of this measure to force the National Park Service to acquire any lands which are contaminated or unsuitable for park designation. The boundary as contained in this bill reflects only the maximum acquisition boundary and should not be construed to mean that the National Park Service must acquire all lands contained within it.

I would like to thank the chairman for advancing this important bill which will go a long way toward protecting one of the numerous Civil War battlefield sites within the National Park Service which is threatened by urban development.

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

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Speaker, I would like to thank Chairman VENTO for yielding me time. I would also like to take this opportunity to thank the chairman, his staff, and the ranking minority member, Congressman LAGOMARSINO, for their assistance and cooperation in addressing my legislation in a timely manner.

Mr. Speaker, H.R. 2370 is part of my continuing effort to preserve and protect one of our Nation's most at-risk Civil War battlefields, Stones River national battlefield.

The battle of Stones River was fought from December 31, 1862 through January 2, 1863. After a bloody, hard-fought battle, Union Gen. William Rosecrans led his forces to victory over Confederate Gen. Braxton Bragg and his militia. In all, 23,000 of the 83,000 combined forces were injured or killed.

A direct result of the Union victory was the construction of Fortress Rosecrans. Fortress Rosecrans, which was completed in early 1863 and covered over 225 acres, was the largest earthen fortress constructed during the Civil War and was a major supply depot for the Union Army's assault on the South. Today Fortress Rosecrans is listed on the National Register of Historical Places.

During the Civil War the Stones river battlefield area encompassed 3,700 acres. When the park was originally established in 1927, the national battlefield and cemetery included only 350 acres. The National Park Service's 1980 general management plan for Stones River suggested the acquisition of 284 additional acres of historically significant land. In 1983, the Park Service amended its recommendation to include only 83 acres.

The tremendous reduction in acreage was due to the intrusion of commercial and residential development surrounding the battlefield. The current situation further threatens all of the unacquired historically significant land surrounding the existing park. The 1990 census figures reveal that my home county of Rutherford is the fastest growing of all 95 Tennessee counties. Rutherford County has grown over 40 percent in the past decade.

There is impetus for this legislation other than population growth alone. The State Department of Transportation has decided to complete the final segment of a bypass around my hometown of Murfreesboro. The extension of Thompson Lane is both good and bad news. The good news is that park visitors will have direct access to the park from a major interstate. The bad news is the extension runs adjacent to the park and intersects several very important tracts of land. Unless we move quickly to authorize the acquisition of the remaining land on either side of the roadway, I am fearful it will be forever lost to development.

Mr. Speaker, the Civil War was divided into the eastern and western theaters. Over the years, much of the preservation and acquisition efforts have been directed to the eastern theater. H.R. 2370 offers an excellent opportunity to increase awareness and preservation in the western theater.

In addition, Interior Secretary Manuel Lujan in his American battlefield protection plan has included Stones River as one of his 25 priority battlefields.

I would once again like to thank Chairman VENTO for his efforts. I urge passage of H.R. 2370.

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of H.R. 2370, a bill to expand the boundaries of the Stones River National

Battlefield. I would like to congratulate my colleague from the neighboring 6th Congressional District of Tennessee, Mr. GORDON, for the outstanding work he has done on this important and much-needed legislation.

Shiloh, Missionary Ridge, Lookout Mountain, Franklin, and Stones River are all examples of Civil War battlefields vitally important to our States history. They are enjoyed by numerous Tennesseans, as well as the many visitors to our great State. The Civil War is one of the single most important eras in the history of our great Nation and one which we must never allow ourselves to forget. As Americans, we must do all we can to ensure that these battlefields are preserved so that they continue to serve as a living testimony and constant reminder of the struggle which took place in shaping this Nation.

Stones River National battlefield is located in Rutherford County, the fastest growing county in Tennessee. Business and industry are rapidly claiming the battlefield land. In 1987 Representative GORDON introduced legislation, which subsequently became law, authorizing the acquisition of 53 acres of the most threatened historically significant land, and the preservation, stabilization, and interpretation of Fortress Rosecrans and the construction of a 2.6-mile historic river trail. Thanks to Representative GORDON's efforts this land and fortress will forever be preserved, this providing future generations a unique educational experience.

Since the enactment of the 1987 legislation, additional tracts of land of equal importance have been identified. As the area surrounding the battlefield continues to develop, Representative GORDON is continuing his efforts to ensure that the most significant portions of the 3,700 acre battlefield remain undisturbed and free of additional commercial and industrial development.

The number of visitors to the Stones River National battlefield and museum, the site of the bloody and fierce battle which pitted 83,000 men of the Northern and Confederate Armies against one another, has increased an average of 22 percent since October of last year and there is every indication that this will continue.

I urge the adoption of this important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2370, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING EXPANSION OF MORRISTOWN NATIONAL HISTORICAL PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 363) to authorize the addition of 15 acres of Morristown National Historical Park.

The Clerk read as follows:

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

SECTION 1. ADDITION TO PARK.

The Act entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for the other purposes", approved September 18, 1964 (16 U.S.C. 409g), is amended by striking "600" each place it appears and inserting "615".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, Morristown National Historical Park, first authorized in 1933, preserves and interprets two winter encampments of the Revolutionary War soldiers in 1777 and 1779. S. 363, introduced by Senator BRADLEY and already passed in the Senate, adds 15 acres to the Jockey Hollow Area of Morristown National Historical Park. S. 363 is identical to H.R. 2035 introduced by Congressman DICK ZIMMER.

Gen. George Washington twice encamped in Morristown, NJ. He chose Morristown because it was highly defensible as well as an excellent place to observe the British Forces who occupied New York City. During the winter of 1777–1778, Washington and his troops wintered in Morristown, training and recuperating from the battles of Trenton and Princeton. During the winter of 1779–1780 the Continental Army again wintered in Morristown, suffering through the worst winter of the century with numerous blizzards and hardships for the 10,000 troops camped at Jockey Hollow. Troops from Connecticut camped in the area proposed for addition to the park.

This is prime land for archeological resources to help better understand the actual conditions the Continental Army faced. Today, this land faces strong development pressures. Without timely action, we will not be able to preserve this part of our Nation's past. Mr. Speaker, I support S. 363 and recommend its passage so that we can indeed ensure the protection of this part of George Washington's Camp at Morristown.

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

□ 1720

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

Mr. Speaker, I rise to be recognized on S. 363, a bill which provides for expansion of the existing Morristown National Historic site. The subcommittee chairman, Mr. Vento, has adequately explained the purpose of this measure.

Inasmuch as the Congress has already appropriated the estimated $585,000 required to purchase this 15 acre tract and we have a very willing seller, this matter is not controversial.

While the park plan does call for acquisition of this tract, if incompatible uses occur, such is clearly not the case. The site is not threatened by any development. At the hearing, when I asked the superintendent if this was the top priority for acquisition at the park, she responded that it was not. While the subcommittee did receive some testimony which indicated the site has potential archeological resources, the fact is that the site has never been surveyed and the true existence of any resources of significance is unknown.

It would have been far preferable to have addressed the boundary questions at this park in a comprehensive fashion rather than permitting our land acquisition policy to be driven by the interests of a single adjacent private property owner as is the case here. However, I note that the administration supports this measure and for that primary reasons, I do not intend to oppose it.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. ZIMMER], the author of this legislation in the House.

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding time to me. I appreciate the kind words of the gentleman from California [Mr. LAGOMARSINO], as well as the gentleman from Minnesota [Mr. VENTO]. I appreciate very much the expeditious treatment that this legislation has received in the subcommittee.

Mr. Speaker, I rise in support of S. 363, which would expand the Morristown National Historical Park in New Jersey by approximately 13 acres. This bill is the Senate counterpart of H.R. 2035, which I introduced in this House.

Morristown National Historical Park is our country's first national historical park. The park is the site of the Continental Army's encampment during the long, hard winter of 1777 following its great victories at Trenton and Princeton and again in the winter of 1779.

The property in question lies immediately adjacent to the existing park in

Harding Township and would add 13 acres to this historic site. The land is being sold to the Park Service to preserve it for future generations to enjoy. The appropriation to make the purchase was made during the last Congress and this legislation will enable the Park Service to acquire the land.

The tract to be purchased is known as the "Sterling North property" after its former owner the well-loved 20th century novelist Sterling North, author of the children's classic "Rascal," "Thoreau of Walden Pond," and others. Because the Sterling North property housed the 1st and 2d Connecticut Brigades during the difficult winters at Morristown, acquisition of the land would enable the Park Service to perform archaeological studies that would provide a great deal of information about our forefathers' efforts to win independence.

The property is environmentally sensitive as well as historically significant. Inclusion of these 13 acres in the park will add a protected natural corridor to the Patriots Path National Recreation Trail. Primrose Brook, whose pristine waters once supplied George Washington's troops, flows through the property and feeds the sensitive wetlands of the Great Swamp, a national wildlife refuge. Acquisition of the land will add to the park an area of great natural beauty and ecological value.

Passage of this bill will ensure that we preserve this tract of land for the enjoyment of the residents of my district and of New Jersey, and for all Americans who wish to preserve our Nation's heritage.

New Jersey's rural landscapes are being threatened by an open space crisis. Overdevelopment and suburban sprawl have severely burdened the State's infrastructure, including our State and national parks. At a time when New Jerseyans are struggling to save undeveloped tracts of land, this legislation will put us one step closer to preserving the natural and historic heritage of our State and our Nation.

This bill has a great deal of local support. Last year, the Harding Township Committee unanimously endorsed the bill. The New Jersey Conservation Foundation, a land conservation organization, is supportive, as is the Washington Society of New Jersey.

I believe that it is fitting that on this 75th anniversary of our National Park Service we proceed with this important purchase to expand our country's first national historical park.

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

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

The SPEAKER pro tempore (Mr. SABO). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 363.

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

A motion to reconsider was laid on the table.

COMMENDING PEOPLE OF THE SOVIET UNION FOR COURAGE AND COMMITMENT TO FREEDOM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 199, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 199, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 274]

YEAS—409

Abercrombie
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
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
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
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison
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
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—23

Ackerman
Berman
Boxer
Broomfield
Callahan
Dymally
Fascell
Ford (TN)
Guarini
Hopkins
Hyde
Kleczka
Levine (CA)
Moran
Mrazek
Pursell
Sanders

Slaughter (VA) Staggers Washington
Smith (FL) Stokes Waxman

□ 1748

Messrs. REED, ALLARD, MICHEL, and ROHRABACHER changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORAN. Mr. Speaker, during rollcall vote No. 274 on House Concurrent Resolution 199, I was unavoidably detained. Had I been present I would have voted "aye."

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO SIT ON TOMORROW, WEDNESDAY, SEPTEMBER 25, 1991, DURING 5-MINUTE RULE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to sit tomorrow during the 5-minute rule for purposes of considering the bank reform legislation.

□ 1750

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would just like to inquire whether or not this has been cleared with the minority.

Mr. DINGELL. If the gentleman will yield, Mr. Speaker, the answer to that question is "yes," it has been cleared with the minority.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1426, FEDERAL RECOGNITION OF LUMBEE TRIBE OF CHERAW INDIANS OF NORTH CAROLINA

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-218) on the resolution (H. Res. 225) providing for the consideration of the bill (H.R. 1426) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2900, GOVERNMENT-SPONSORED HOUSING ENTERPRISES FINANCIAL SAFETY AND SOUNDNESS ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-219) on the resolution (H. Res. 226) providing for the consideration of the bill (H.R. 2900) to improve supervision and regulation with respect to the financial safety and soundness of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Bank System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1722, EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-220) on the resolution (H. Res. 227) providing for the consideration of the bill (S. 1722) to provide emergency unemployment compensation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent to have my name removed from the list of cosponsors of House Resolution 194.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. KOLTER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of House Resolution 194.

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

There was no objection.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 95) designating October 1991 as "National Breast Cancer Awareness Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentlewoman from Illinois [Mrs. COLLINS], the chief sponsor of House Joint Resolution 257, designating October 1991 as National Breast Cancer Awareness Month.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, first of all, I would like to thank the chairman of the Census Subcommittee, the distinguished gentleman from Ohio, for bringing this resolution to the floor so expeditiously.

As I stand here this afternoon, I am at once pleased and saddened at this occasion. I am pleased because the commemorative resolution which I sponsored, to designate October 1991 as National Breast Cancer Awareness Month, will be enacted, and with other efforts nationwide, will help to call attention to the disease and the need for early detection and treatment. But I am also saddened because of the need for this resolution: the incidence of breast cancer is ever increasing; the mortality rate is depressingly high; and, too many women are still delaying getting mammograms.

The statistics of this insidious killer are striking:

One of every nine women will develop breast cancer at some point in her life;

Breast cancer has become the second leading cause of cancer death for American women;

In 1991, breast cancer will strike an estimated 175,000 women and 900 men in the United States;

Last year, breast cancer killed an estimated 44,000 women and 300 men; and

Breast cancer incidence rates have increased about 1 percent per year since the early 1970's, including a 20-percent jump in the first half of the 1980's.

I am sure many, if not most of us, know of a friend or family member who puts a face on these numbers.

The good news is that we can turn these statistics around. We start by calling attention to the problem. We start with a national effort, such as this resolution and the many activities planned across the country to alert women to the disease, its causes, effects, and cures.

Once we have their attention, we make it abundantly clear that early detection is critical, that they can help protect themselves and even save their own lives through early detection, be it self-examination, a doctor's examination or mammogram. The most important thing to know about early detection is that it can result in a 5-year survival rate of nearly 100 percent. Studies have documented the decrease in breast cancer deaths attributable to

early detection. Here is where mammography is particularly effective, since it can detect cancers so small that they would be missed by even the most experienced practitioner. As a matter of fact, a mammogram can detect a lesion as small as the size of a pinhead. Ladies, mammograms do not hurt and properly administered, are safe. Afraid of getting a mammogram? Think of the alternatives: surgery, radiation treatments, chemotherapy, or an ungodly combination of all of them.

The third link in the effort to lower the incidence and mortality rate of breast cancer is ensuring that all women, regardless of financial or insurance status, have access to mammographies. Putting aside for a moment the number of lives that can be saved with early diagnosis and intervention, let us talk to those who only speak in numbers: We would realize a tremendous savings on our health care dollars if more women had access to, and utilized, methods of early detection.

The last piece in the puzzle is ensuring adequate funding for research into improved methods of detecting and treating breast cancer. We must never be satisfied with anything less than a 100-percent survival rate.

Finally, Mr. Speaker, I truly believe that the events planned across the country, including low-cost physical examinations and mammography screenings, media events, television, and radio programs, will help in our fight against breast cancer. We may not be able to reach every woman, but if something one woman hears or sees this October convinces her to get an exam, we may have saved a life and that will make all our efforts worthwhile.

Again, Mr. Speaker, I thank the Chairman for his support and assistance in bringing this matter to the floor today.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I am pleased to rise in support of House Joint Resolution 257 which designates October 1991 as "Breast Cancer Awareness Month," and I would like to commend the gentlewoman from Illinois [Mrs. COLLINS] for her efforts in bringing this measure to the floor.

Mr. Speaker, I continually find the statistics on breast cancer, and the mortality rate from breast cancer very disturbing. In 1991, an estimated 44,500 women will die of breast cancer—1 in every 9 women will contract breast cancer in this lifetime, yet only 175,000 cases will be diagnosed this year.

In spite of these shocking statistics many women do not practice routine breast examinations or utilize today's advanced mammography technology. I hope making October, Breast Awareness Month, will reveal to all Americans the importance of prevention and early detection, because, one in every five deaths from breast cancer could be avoided by early detection.

Statistics show that women with early stages of breast cancer, when the disease is still localized, experience a 90-percent survival rate, while the survival rate for women with more advanced regional cancer is only 68 percent. Even more tragic, is the fact that the survival rate for women with breast cancer which has advanced to more stages is only 18 percent.

Surely this is a disease for which an ounce of prevention is worth a pound of cure. National Breast Cancer Awareness Month can help get this message out, and can actually save women's lives.

I urge my colleagues to vote in favor of House Joint Resolution 257.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 95

Whereas breast cancer will strike an estimated 175,000 women and 900 men in the United States in 1991;

Whereas 1 out of every 9 women will develop breast cancer at some point in her life;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, killing an estimated 44,000 women and 300 men in 1990;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940s to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women over the age of 40 by using mammography as a screening tool;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, and/or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "National Breast Cancer Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

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

□ 1800

CRIME PREVENTION MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 303) to designate October 1991 as "Crime Prevention Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I rise in strong support of House Joint Resolution 303, which designates the month of October 1991 as "National Crime Prevention Month."

The terrible violence and suffering associated with the national scourge of illicit drug abuse has energized the public's outcry against all crime. While personal efforts by individual citizens are important, organized community crime prevention is imperative if the war on drugs and other crimes is to be won.

Organized community action, in cooperation with local law enforcement officials, can effectuate positive change. By mobilizing our citizens in an all out effort, we can help eradicate crime from our neighborhoods and our municipalities.

As we commemorate the 11th anniversary of the national citizen's crime prevention campaign which features the McGruff crime dog, the outstanding efforts of the crime prevention campaign as well as those of the Department of Justice and all other organizations promoting local partnerships among our law enforcement agencies should be recognized and commended. It is through these programs that the quality of life in communities across our Nation is being improved.

Accordingly, I support this measure and urge all my colleagues to vote in favor.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 303

Whereas crime prevention improves the quality of life in every community;

Whereas crime prevention is a cost-effective answer to the problems caused by crime, drug abuse, and fear of crime;

Whereas crime prevention is central to a sound criminal justice system at national, State, and local levels;

Whereas more than 27,000,000 people in the United States are actively engaged in helping their communities to prevent the commission of crimes against persons and property:

Whereas millions of citizens have demonstrated that, by working together, they can reduce crime, drug abuse, and fear of crime;

Whereas all people of the United States, from preschoolers to senior citizens, can help themselves, their families, and their neighborhoods to prevent crime and to build safer and more caring environments;

Whereas an important challenge facing all people and groups in the United States (including individuals, State and local agencies, civic and community groups, religious institutions, schools, businesses, and law enforcement agencies) is to weave methods into daily life that prevent crime and become part of society's norms;

Whereas it is important to annually honor persons who work throughout society to prevent crime and to build and sustain the Nation's communities; and

Whereas the National Citizens Crime Prevention Campaign (featuring McGruff the Crime Dog and promoted by the Department of Justice, the National Crime Prevention Council, the Advertising Council, and the Crime Prevention Coalition) promotes diverse partnerships among law enforcement agencies, citizens, businesses, and government to reduce crime and to improve community life throughout the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "Crime Prevention Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

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

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 73) designating October 1991 as "National Domestic Violence Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I yield to the gentlewoman from New York [Ms. SLAUGHTER], the chief sponsor of Senate Joint Resolution 73, designating October 1991 as "National Domestic Violence Awareness Month."

Ms. SLAUGHTER of New York. Mr. Speaker, today for the third consecutive year I want to thank my colleagues in the House of Representatives for passing a resolution designating October 1991 as "National Domestic Violence Awareness Month."

Once again I am proud to have introduced this resolution, but I am also saddened that such action is still necessary. The heartbreaking reality is that nearly 4 million Americans, mostly women and children, will be injured and well over 2,000 of them will die as a result of domestic violence.

The scope of this violence is even more horrifying when one considers that such abuse rarely happens only once in a family. The average battered spouse is attacked every 4 months, and domestic violence emergencies now account for one third of all police responses.

Victims of this abuse often do not know where to turn. They may feel the criminal justice system unsympathetic, the shelters full, the disgrace unbearable. This year shelters will have to turn away some 250,000 abused spouses due to lack of space.

In my congressional district which includes Rochester, NY, the Alternatives for Battered Women shelter reports that its 26-bed facility has been operating at or above capacity for the last 5 months.

Indeed, the shelter reports it receives 200 new calls for help each month on its hotline.

As Congress passes this resolution to raise awareness of this issue, Lifetime Television this week will air an important new documentary that portrays the human suffering behind these grim statistics. The program, entitled "Prisoners of Wedlock," can be seen Wednesday night. To their credit, the program's producers do not try to simplify the problem of domestic violence. Instead, they depict the great struggle many families face in overcoming abusive behavior that often has been passed down from one generation to the next.

The families who have persevered and overcome the daily threat of violence in their lives deserve our recognition and support. We should also commend the hard work and invaluable achievements of those who work and volunteer their time to help victims of domestic violence.

In voting for this resolution, we affirm every American's right to live a life free of abuse and violence. By setting next month aside as a time to educate our fellow Americans on the terrible statistics and reality of domestic violence, we are taking a step toward finding viable solutions.

Mr. GILMAN. Further reserving the right to object, Mr. Speaker, I am pleased to join in support of Senate Joint Resolution 73 which designates October as "National Domestic Violence Awareness Month," and I would like to commend the gentlewoman from New York [Ms. SLAUGHTER] for her efforts in bringing this measure to the House floor.

Mr. Speaker, every year hundreds of thousands of wives are abused by their husbands, and more than a million children suffer from physical, sexual, and emotional maltreatment. One in twelve women are beaten while they are pregnant, and approximately one-third of women killed are murdered by their boyfriends or spouses.

The crimes committed behind closed doors and beneath the shroud of family privacy are perhaps the most despicable in our society. There is a constant outcry from the American public for the Government to help make the streets safe—what we also desperately need is safe homes—for our women and our children.

Mr. Speaker, I wholeheartedly support this measure and I request that all my colleagues join in bringing necessary attention to this problem.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 73

Whereas it is estimated that a woman is battered every fifteen seconds in America;

Whereas domestic violence is the single largest cause of injury to women in the United States, affecting six million women;

Whereas urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles are affected by domestic violence;

Whereas 31 per centum of female homicide victims in 1988 were killed by their husbands or boyfriends;

Whereas one-third of the domestic violence incidents involve felonies, specifically, rape, robbery, and aggravated assault;

Whereas in 50 per centum of families where the wife is being abused, the children of that family are also abused;

Whereas some individuals in our law enforcement and judicial systems continue to think of spousal abuse as a "private" matter and are hesitant to intervene and treat domestic assault as a crime;

Whereas in 1987, over three hundred and seventy-five thousand women, plus their children, were provided emergency shelter in domestic violence shelters and safehomes and the number of women and children that were sheltered by domestic violence programs increased by one hundred and sixty-four thousand between 1983 and 1987;

Whereas 40 per centum of women in need of shelter may be turned away due to a lack of shelter space;

Whereas the nationwide efforts to help the victims of domestic violence need to be expanded and coordinated;

Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children; and

Whereas the dedication and successes of those working to end domestic violence and

the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1990 is designated as "National Domestic Violence Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month by becoming more aware of the tragedy of domestic violence, supporting those who are working to end domestic violence, and participating in other appropriate efforts.

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

POLISH-AMERICAN HERITAGE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 125) to designate October 1991 as "Polish-American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Illinois [Mr. LIPINSKI], the chief sponsor of Senate Joint Resolution 125, to designate October 1991 as "Polish-American Heritage Month."

Mr. LIPINSKI. Mr. Speaker, I thank the ranking minority member for yielding.

Mr. Speaker, it is with great pride that I come before the House today as the sponsor of this resolution to designate October 1991, as "Polish-American Heritage Month." As a Polish-American and as the representative of many Polish-Americans in Illinois, I know what a great honor this resolution is to the Polish-American community.

Poles were among the first settlers of America, dating all the way back to the 17th-century settlement of Jamestown. Since those early days, Polish-Americans have contributed to all aspects of American life with their achievements in the arts, sciences, government, military, sports, and education.

Polish-American Heritage Month is an opportunity to recognize these achievements, and to also recognize the aid and support of Polish-Americans to Poland's struggle to free itself from communism. Led by former Solidarity leader and now President Lech Walesa, Poland has gone further than any other nation of Eastern Europe to establish democracy and a free-market economy.

Mr. Speaker, Polish-American Heritage Month is a well-deserved tribute to Polish-Americans and an opportunity for all Americans to gain a deeper understanding of this unique cluture.

I thank the gentleman from Ohio and the gentleman from Pennsylvania for bringing this legislation to the floor.

Mr. GILMAN. Further reserving the right to object, Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 125, which designates October 1991 as "Polish-American Heritage Month," and commend our colleague, the Senator from the other body, Senator SIMON, and my distinguished colleague, the gentleman from Illinois [Mr. LIPINSKI] for their work on this resolution.

I am proud to recognize the myriad contributions of Polish-Americans to life in the United States, and to support legislation that will bring to national attention these contributions.

Since the days of Kosciuszko, ethnic Poles have shared their burning desire for freedom throughout the world. Polish-Americans have served in our Armed Forces, and preserved, protected, and defended the American way of life since the inception of the American experience. From our steel mills to top foreign policy positions, to the fields of medicine and law, the contributions of ethnic Poles to the good of American society will be commemorated for generations to come.

Mr. Speaker, Polish-Americans can look across the seas to the land of their ancestry and derive great pleasure from the raging tide of democracy throughout Eastern Europe. These changes bring hope and inspiration to Polish citizens and give the opportunity to experience some of what their émigré counterparts have experienced in our great Nation for over 200 years. Accordingly, I urge my colleague to join with me in supporting this important resolution.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 125

Whereas the first Polish immigrants to North America were among the first settlers of Jamestown, Virginia, in the seventeenth century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contribution to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas the Polish Constitution of May 3, 1791, was modeled directly on the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Poles and Americans of Polish descent take great pride and honor in the greatest son of Poland, his Holiness Pope John Paul the Second;

Whereas Poles and Americans of Polish descent and people everywhere applauded the efforts of Solidarity's leader and now President Lech Walesa in fighting for freedom, human rights, and economic reform in Poland;

Whereas the Polish American Congress is observing its forty-seventh anniversary this year and is celebrating October 1991 as "Polish-American Heritage Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated "Polish-American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a month with appropriate ceremonies and activities.

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

□ 1810

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just considered and passed.

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

There was no objection.

SUPPORT FOR EMERGING DEMOCRACIES ACT OF 1991

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

Mr. COLEMAN of Missouri. Mr. Speaker, as events unfold in the Soviet Union at unprecedented speed, the challenges facing its people are numerous and formidable. To assist them with the most immediate challenges American agriculture must be prepared to provide the food necessary to get them through this upcoming winter. It is in the American interest to provide this assistance; the security of the United States is improved when the Soviet Union turns to a free enterprise, market-oriented system. Nevertheless, we must bear in mind the responsibilities we face here at home.

I view the help the United States can provide to the Soviet Union to be in two phases. The first is immediate food assistance for the winter months. Americans are compassionate and, I believe, willing to help the Soviet people get through the hard winter months. The second phase, development of a long-term relationship with the Soviet Union, should be based on ways to improve their standard of

living through self-help measures so that United States interests, including those of agriculture and trade, are emphasized. In the long term we can provide the technical help and know-how that will improve the food distribution systems of the Soviet Union to make them our trading partners.

There are several elements that are essential in developing this two-phase response to the events in the Soviet Union.

We must be assured that any distribution of food must be both fair and equitable and that the benefits of the assistance are received by the people.

Changes in the Soviet Union must be undertaken based on democratic values and principles. Our support is contingent on peaceful change in the Soviet Union through orderly processes and respect for international law and obligations.

We want to help the Soviet Union change to a market-oriented, free enterprise system in which ultimately they will become full trading partners with the United States. We do not want to miss any opportunity to participate in the changing events in the Soviet Union.

Conversely, we must be assured that any United States assistance to the Soviet Union is accomplished carefully, bearing in mind our responsibilities here at home.

For the Soviet union money alone is not the answer, especially in a country that is experiencing a crisis in its own currency system, a continuing breakdown in its food distribution system, and confusion within its political system. We must continue to keep a careful watch on this situation and tailor our response in a measured, thoughtful manner.

Nevertheless, it is in the American interest to have the Soviet Union change to a free market economy, to become a partner in trade rather than an adversary in the world.

I am introducing a bill today to begin this two-phase process: Immediate assistance through the Food for Progress Program and long-term technical assistance through the expertise of U.S. farmers and agriculture businesses.

My bill amends the Food for Progress Act to enhance the availability and effectiveness of that program to meet the expanding needs of emerging democracies as they introduce free enterprise elements into their agriculture economies. Under this bill, the $30 million limit of funds that can be used by the Commodity Credit Corporation [CCC] for costs to carry out Food for Progress is removed for 1992. The bill also lifts, for 1992, the ceiling of 500,000 metric tons of commodities for use in this program. While the magnitude of the need for increases in Food for Progress assistance is not known, I believe that the USDA will be using commodities held in surplus by the CCC. Transportation costs will depend on the amount and type of commodities provided.

The Food for Progress Program was established in the 1985 farm bill and authorizes the President to enter into agreements to provide food to countries to promote the implementation of private, free enterprise agricultural policies. While in the past, agreements under Food for Progress have been transacted with foreign governments, it is possible to sign agreements with international groups, such as private voluntary organizations to monitor the administration of this program within the Soviet Union.

Because of the crucial needs of the Soviet Union and other countries in Eastern Europe and elsewhere, the ceilings on the Food for Progress Program could be reached very rapidly. It is essential to lift these ceilings so that the United States can respond.

Additionally, my bill expands the provisions of the 1990 farm bill which established a program to promote agriculture exports to emerging democracies. Under my bill, the Secretary of agriculture is authorized to use CCC funds to pay subsistence and travel costs of United States citizens to emerging democracies to share their knowledge and know-how in agriculture with their counterparts in those countries. Farmers, processors, experts in food distribution and marketing would be selected to share their knowledge with people in emerging democracies. Improvements in agriculture in emerging democracies and thereby the improvement in the standard of living is essential in our efforts to increase agricultural trade with these countries.

Last, the legislation I am introducing will temporarily suspend the creditworthiness test currently used to administer the USDA export credit guarantee programs. This suspension will be limited only to the Soviet Union while they undergo their transition to a market economy.

Because the bill is essential to addressing the crisis facing the people of the Soviet Union, I will be working for immediate action on it by the House of Representatives.

EUROPEAN 14-PERCENT TARIFF ON AMERICA'S SEMICONDUCTOR AND COMPUTER INDUSTRY IS UNFAIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] will be recognized for 5 minutes.

Mr. BACCHUS. Mr. Speaker, I rise today to address an important but neglected issue in our international trade.

The issue is the 14-percent tariff that America's semiconductor and computer industry must pay to enter the European marketplace.

Last year, this burdensome tariff cost American firms more than $340 million, a tribute paid merely for the opportunity to enter Europe.

This 14-percent tariff is too high, much too high. And it is especially unfair given the fact that we do not impose any tariffs at all on our imports of European semiconductors; neither do the Japanese. I have seen the import of this tariff firsthand. Harris Corp., which employs thousands of people in my district, have had to spend millions of dollars to sell semiconductors in the European market. This "fortress Europe" mentality, this fortress Europe protectionism, together with the difficulties that Americans continue to have in penetrating the Japanese market are two reasons why Harris Corp. and other American semiconductor firms are suffering huge losses and losing vital markets.

In the past decade, the American share of the world market in semiconductors has declined from 57 percent to 40 percent, while Japan's and Europe's combined share has increased from 43 to 58 percent. This loss in market share, combined with the 14-percent European tariff, has had a devastating impact on employment in this important industry. If the European tariff is not eliminated, American firms will stop making semiconductors here and start making them overseas, and even more of our future will slip offshore.

This past Friday, in part because of the European tariff, Harris Corp. laid off more than 400 workers in Brevard County, in my district in Florida. That is more than 400 lost jobs, more than 400 anxious families.

A healthy semiconductor and computer industry is vital to our economy and to our prospects for economic growth. This multibillion-dollar industry provides more than 2.6-million American jobs, more than double the number of jobs in the American auto and steel industries combined.

In addition, a strong semiconductor and computer parts industry is vital to our national security. The war in the gulf vividly illustrated the close relationship between our military security and our industrial and technological leadership.

President Bush has said many times that the loss of American superiority in high technology would have significant consequences for our future. He is absolutely right. My hope is that he will seize this chance to help American workers and help American businesses by helping eliminate the European tariff on semiconductors.

I urge my colleagues today to join me in signing a letter to Ambassador Carla Hills urging her and the President to make the elimination of the European tariff on semiconductors and computers a high priority in the Uruguay round of the GATT in Geneva. We must keep American jobs here. We must ensure that our makers of semiconductors and computer parts are given the equal opportunity they need to compete in the world marketplace. We must put an end to fortress Europe.

POLISH NATIONAL ALLIANCE—MILWAUKEE SOCIETY NAMES ATTORNEY EDWARD A. DUDEK 1991 POLISH AMERICAN OF THE YEAR

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

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to attorney Edward A. Dudek, an outstanding leader of Milwaukee's Polish-American community who is being honored by

the Polish National Alliance, Milwaukee Society, as the 1991 Polish-American of the year. Attorney Dudek will receive this well deserved honor at the Milwaukee Society's 46th annual Pulaski Day banquet on October 12, 1991.

In addition to his impressive contributions to Wisconsin's legal establishment, attorney Edward Dudek has been an active and valuable member of Milwaukee's Polish-American community. Attorney Dudek's outstanding accomplishments in his professional, civic, and cultural endeavors have benefited our community in countless ways.

As president of the State bar of Wisconsin, attorney Dudek helped to maintain the standards of integrity and fair play which stand as the foundation of Wisconsin's legal system. As a businessman, author, and lecturer, he has been able to pass on the benefits of his experience and expertise in the fields of banking law and corporate litigation to numerous colleagues.

Through his charitable work, attorney Dudek has been able to touch the lives of many of the less fortunate in our community. Attorney Dudek's genuine concern for both young and old is displayed through his involvement in organizations such as Alverno College, St. Charles Youth and Family Services, Alexian Village of Milwaukee, and the St. Luke's Medical Center philanthropy board.

Throughout his endeavors, attorney Dudek has remained mindful of his rich heritage as a Polish-American. As a member of the Polish National Alliance, and more recently, through his participation in the St. Josaphat Basilica restoration fund, attorney Dudek has done much to ensure that Milwaukee will remain proud of its Polish-American heritage for years to come.

Mr. Speaker, I am proud to join the Milwaukee Society in honoring attorney Edward A. Dudek as the Milwaukee Society's 1991 Polish-American of the Year.

UNIVERSAL HEALTH CARE ACT OF 1991

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

GENERAL LEAVE

Mr. RUSSO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter in the RECORD on the subject of this special order.

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

There was no objection.

Mr. RUSSO. Mr. Speaker, our health care system is in a state of crisis. We spend nearly $800 billion a year on health care in America. And what do we have to show for it? It is the most expensive, the most inefficient, and the most deficient system in the world. What do we have to show for this $800 billion? We are spending close to 12 percent of our gross national product on health care, more than any other industrialized nation in the world; 40 percent more than Canada, 87 percent more than Germany, and 132 percent more than Japan.

All of those countries have universal coverage for all their people; we do not.

In our health care statistics are the following: We are 13th in the world in life expectancy, 24th in the world in infant mortality. What appalling statistics, considering that we spend more than any other nation in the world on health care.

What else do we have to show for our $800 billion? Thirty-seven million Americans are uninsured; millions of more Americans are underinsured. And at any one time during this year, close to 60 million Americans will have no health care coverage whatsoever. This is the most expensive system, and yet it has these major, major deficiencies.

As a result of this, Mr. Speaker, I have introduced a comprehensive reform of our health care system, H.R. 1300, Universal Health Care Act of 1991, which would establish a universal, single-payer, comprehensive national health care program for all Americans. Comprehensive; it will cover medically necessary expenses for all Americans; doctor expenses, hospital expenses, whatever is determined by the Secretary to be medically necessary.

And while we are doing that, we are going to cut the Nation's health care costs.

Mr. Speaker, we need a universal health care program. This program will guarantee everyone access to the system, comprehensive in nature, for less money than we spend today; that is right, less money than we spend today, and we will cover everyone.

□ 1820

We will have vision care, dental care, long-term health care for all Americans, prescription drugs. The only things that are not covered by H.R. 1300 are over-the-counter drugs, cosmetic surgery and private rooms that are not medically necessary. Otherwise it covers everything else and for less money.

How do we do that? We do that by setting up a single-payer system in which we have one payer, one benefit, that every American receives regardless of your income status, regardless of your insurance status. It is based on your medical need. It covers everyone, and we do it by eliminating the 1,500 different insurance programs that are now in existence. We do it by eliminating the billions upon billions of dollars of administrative waste created by the insurance industry.

Mr. Speaker, you well know about the different forms that have to be filled out, that you send in, that they miss something, and they ask you to send more information, and they say, "We misplaced it. Photocopy it and send it in again." More and more forms, more and more paper, reams of forms to be sent in to the insurance companies, only then to be told 3, 4, 5 months later that on your $500 bill they are only going to pay $25. This is what the most expensive health care system in the world will tell you.

Mr. Speaker, we need to have cost containment, we need to have quality care for all Americans, and we need to have peace of mind for all Americans. What do I mean by peace of mind? That when your child is sick, and you want to take your child to the doctor, you can do it. You do not have to worry about how much it is going to cost, the copayments, the deductibles. This bill will set up a system where there will be no copayments, no deductibles. We will be able to pick the doctor of our choice, the hospital of our choice, the provider of our choice for less money than we spend today.

It is a good deal, it is a great deal, it is simple, and it is easy to deal with. Why are we going to have problems? Well, it seems to me, unless it is complicated and inefficient, nothing sells in Washington, DC. The more simple it is, the more easy to understand, the more difficult it is to pass.

It boggles my mind. Mr. Speaker, that we can put forth a program that can guarantee quality health care, comprehensive in nature, to all Americans for less money, and we do not have it today. We do not have it, and we need to have it.

Mr. Speaker, the General Accounting Office has done a study of applying what is called the Canadian system to the United States, and that is a single-payer system that covers all Canadians, and what they said is that, if we apply the Canadian system to the United States, we would save in administrative costs $67 billion a year; $67 billion.

Now what do we do with that $67 billion in savings? Well, for $18 billion of it, we will use that to cover all uninsured people in America; $46 billion of it would cover all the copayments and deductibles so there are no copayments and there are no deductibles. That is $64 billion. We save $3 billion.

I think we can do better. In this country, in America, we spend 24 cents of every health care dollar on administrative costs. The Canadians spend 11 cents. If we do just as good as the Canadians, we will save close to $100 billion a year on administrative costs which then can be used to be plowed back into the system to give the kind of coverage Americans deserve.

Mr. Speaker, we have the best quality care in the world. We have the best quality care money can buy. But if you do not have money in this country, you do not get that service, and I think it is a privilege that every American deserves, to have a right. Every American deserves to have that privilege, and we can guarantee that right by making sure we eliminate this administrative waste and we apply it to the

American public, their need for quality health care.

Mr. Speaker, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I appreciate the gentleman from Illinois [Mr. RUSSO] for yielding, and let me commend him for, not just taking this special order tonight to discuss national health care, but specifically his legislation, legislation that is now becoming known in many congressional districts as the Russo bill that we are being asked about in our townhall meetings by our constitutents who are being closed out of the current system because of increased costs, because of a lack of accessibility, because of preexisting conditions, all of the trauma that families are now suffering no matter whether they are working part time or full time. If they have good insurance, they find out that every renewal period brings an additional charge, an additional barrier.

If I might, I would like to ask the gentleman two questions that have been raised several times about this, and the gentleman just touched on one of them, and that is that it is often said that, if we go this route, that what we will really be doing is we will be rationing health care, that if we adopt the Russo bill, if we adopt a single-payer national system, that we will be rationing health care, and that we do not do that under the current system, and that is one of the reasons why people should not support it.

The second one would be dealing with the issue of copayments and deductibles that so many people have on their current insurance programs, that that is there to truly keep down the cost of insurance, and I wonder if the gentleman could address these two issues that are often raised in this discussion when we are back in our districts having townhall meetings.

Mr. RUSSO. Mr. Speaker, I thank the gentleman from California [Mr. MILLER] for recognizing those issues.

On rationing, America rations in the cruelest form possible. We ration in this country on your ability to pay. Under my approach there would not be any rationing, and the reason there would not be any rationing is, if you check the GAO study, the GAO pointed out that because of the overcapacity and because of the tremendous amount of dollars that we have currently spent on our system we have overcapacity to deal with these kinds of problems for the next 20 years. There is not going to be rationing in this country as it is known today. We will be able to take care of people's needs because the doctor is going to say, "This is what my patient needs," and not an insurance bureaucrat that will require you to call to get an approval before you have a procedure.

So, America now rations in the worst possible fashion. We have people who do not go to see their doctors or do not go and visit a hospital because they do not have the money. That is rationing. They are not able to take their children to get a physical because they do not have the copayment or the deductible. That is rationing in its cruelest form.

And the deal with the copayments and deductibles as a way of ratcheting down health care costs just does not work. The United States of America has the highest copayments, the highest deductibles, in the world and yet has the most expensive system. So, in those countries that we compete with in the world market, have very low copays, very low deductibles, they, in most cases, do not even have it, yet they do it for less than we do it. So, the idea that without copayments and without deductibles you will have a very expensive system, the United States has tossed that idea right on its head because we do have the highest copays and the highest deductibles and, at the same time, have the highest and most expensive system in the world.

So, those two arguments fall on their face when one starts to analyze exactly what happens in America.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from Illinois [Mr. RUSSO] for answering those questions, and I will let others speak, and then I have a couple of others.

Mr. RUSSO. Mr. Speaker, I yield to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, I want to thank the gentleman from Illinois for this chance to discuss the single-payer system for financing health care. As a medical doctor, I know we have to reform the way we pay for health care in this country, and I know we also have to maintain and improve the quality of that care.

We do not have to look far for ideas about how to do this. Canada provides good health care to every resident at one fourth less cost than this country. They do it by setting an overall health care budget in each province, then letting the health care providers—private practitioners, just like ours—decide how to use those resources.

Some people call that rationing. They seem to think the only way to keep people healthy and get them well is to spend with no limits. A lot of the people who use scare talk like rationing are the ones who tell you not to throw money at problems like education and housing. Yet they seem content to throw money at a health care system that has never had to make choices. They confuse quality with quantity; they think more is always better.

Sometimes more is better. Prenatal care, childhood immunization, blood pressure screening, mammography, and other preventive services keep costs down by keeping people healthy and catching problems early. Doctors and nurses know the value of preventive care, yet those are the services our fragmented health insurance system is least likely to cover. Instead, we spend billions to treat the problems that occur because we neglected prevention. That can happen only in an open-ended, multipayer system where nobody is in charge.

The mythmakers tell us we cannot get good quality care in a single-payer system. They try to frighten us with horror stories about Canada—waiting lists for surgery, medical refugees crossing the border for operations in the United States. It is true, sometimes Canadians have to wait a little longer for an elective operation or a trip through a CAT scanner. If they have enough money and do not want to wait, they may come across the border to use our empty hospital beds and unused diagnostic equipment, ready and waiting for the paying customers Canada provides. Is that the result of Canadian rationing or of American waste?

We have our own horror stories—people in sleeping bags on emergency room floors, waiting to be admitted to wards; infants dying of measles because they cannot get vaccines; hospitals closing trauma care units; 200 births a day with no prenatal care. Anyone who tries to defend our system and criticize Canada's on the basis of isolated examples will have a lot of explaining to do.

We like to believe that American health care is "the finest in the world." But, even for those who can pay for care, that is a questionable statement. More than one-third of some surgeries are unnecessary. We cannot explain why you are twice as likely to have coronary bypass surgery in New Haven as in Boston, 10 times as likely to have a tonsillectomy in one Vermont town as in another. We lose more babies and die younger than Canadians.

No one here today will claim that Canada has a perfect health care system. Quebec and other provinces are struggling now with the costs of an aging population, medical technology, and the AIDS epidemic, just as we are. The Canadians have put a lid on the cost of their health care system, so they have to make choices. Some of the provinces will have to lift the lid and spend more to maintain access to quality care for all their people. They have a system that lets them make that choice when they are ready to pay for it.

And their system assures, much better than ours, that whatever they spend will be distributed fairly, based on medical need, instead of on wealth or income or where you happen to work. The bottom line is this: in Canada, no one who needs care is denied it for inability to pay. No one has to fear bankruptcy if they get sick. They have

a health care system; we have a lottery.

American doctors have to deal with a lottery too—1,500 different payment systems, public and private, paying different amounts for the same service, requiring different billing forms, imposing different standards of appropriate care. Our doctors make a little more money than Canadian doctors, but they pay a high price in paperwork and bureaucracy.

In Canada, doctors make four times the average income, and they spend their time practicing medicine instead of chasing paper. They have traded the chance to maximize their incomes for the clinical freedom to practice their professions. They do not have government or insurance industry bureaucrats second-guessing their medical decisions. They can spend their time doing what they became doctors to do—treating and healing the sick, helping their patients stay healthy. I think most American doctors would make that choice if they could.

But when you get right down to it, the issue is not whether Canadians have better health care than Americans. Some do, and some do not. The issue is whether a single-payer system would give us more value, better medical quality, better health for the dollars we are spending now.

The GAO says we spend $67 billion a year on health insurance billing and bureaucracy. Some estimates are higher, other are lower. But no one doubts that we are wasting colossal amounts administering a complex, fragmented insurance system that fails to contain costs, fails to ensure quality, and fails to deliver anything to millions of Americans.

This is a rich country full of smart people. We do not have to take second place to Canada or anyone else in taking care of our health. We have health maintenance organizations and managed care systems that Canada should imitate. We lead the world in biomedical research and our biotechnology industry. We are working on treatment outcomes research that will help us improve quality and get the best value for our dollars. We will make the most of those advantages in a single-payer system—not Canada's, but America's.

If our $800 billion health care industry were a separate country, it would be the sixth largest economic power in the world. If we exercise the leadership the American people deserve, we can put that power in the service of every American and build a better, stronger, healthier nation.

The gentleman from Illinois is one of those providing that leadership, and I am proud to be working with him toward that goal.

□ 1830

Mr. RUSSO. Mr. Speaker, as the gentleman knows, basically the people who consider whether a system is a good system or a bad system are the people who use the system, and in Canada, according to the latest polls, 90 percent of the Canadians love their system. In a poll taken in the United States, 89 percent of Americans want comprehensive reform of their health care system. So the individuals who are directly impacted by the system are speaking out.

In the GAO study, one of the things they pointed out was that of the $67 billion in savings, $34 billion of it comes from administrative costs, from the insurance industry, and the other $33 billion comes in savings of administrative costs from doctors and hospitals. I happen to believe we can do better than that. I consider that a conservative estimate. So all the moneys that we save can then be used to plow back into the system, and that is how a single payer system not only will give us quality health care for all Americans but at the same time can contain costs because it is the only single payer and they will set the rules by which we have to operate.

It seems to me that one of the criticisms that is always leveled is that you are going to have these lines and you are not going to be able to deal with the problem. The difference in our approach in H.R. 1300 is that we are not ratcheting down health care costs; we are trying to level it off, and with the 11½ percent of GNP which is giving us this enormous over-capacity, as the GAO points out, we will still spend 11½ percent of the gross national product, which is still by far more than any other country in the world.

So if we are going to spend that amount of money, why can we not give our people the best care and give it to everybody? And we can do it under a single payer system.

Mr. McDERMOTT. Mr. Speaker, I think the gentleman from Illinois raises the real basic question. The United States has the smartest people in the world, we have the best doctors, and it is a rich country. Why can we not develop a system to cover everybody with health care when every other single industrialized country in the world has done it? The Canadians have done it, the Japanese have done it, and the West Germans, the Danes, the Swedes, the English, and the French have done it. Everybody has done it. There is no reason why we cannot do it and keep the kind of quality care we have in this country.

Mr. RUSSO. Mr. Speaker, I thank the gentleman from Washington [Mr. McDERMOTT].

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RUSSO. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank my friend for yielding. His leadership in this area has been superb. As a member of the Ways and Means Committee, he has become fully cognizant of the health care problem, and he has come forward with a bill that has by far the best framework for resolving this problem.

One of the problems we have is that whenever you propose a change, people who are opposed to change compare your change to perfection, and perfection generally wins. We are not trying to replace perfection with the proposal the gentleman from Illinois has put forward; we are trying to replace a mess with what the gentleman from Illinois has put forward.

I will ask people to think about this: Suppose we had a single payer system, and suppose somebody came out and said, "We don't like the single payer system. Here is what we are going to put in its place:" We will have 1,500 different insurance companies, we will have Medicaid, we will have Medicare, and we will have this patchwork and that. Your health insurance will depend on your job. If you lose your job, you might lose your health insurance.

If we had in place the system the gentleman is advocating, and somebody came along and described our current system, which would be very difficult to do because people would not believe you, does anyone imagine that they would not accept the current system as a proposal? To those who ask, "Gee, can we defend this?" think what it would be like. Somebody ought to just reduce the paper of our current health system and then say, "Why don't we try to explain this to people and try to put it forward?"

The other argument, of course, is the one the gentleman from Washington just mentioned. Somehow some of our great conservative friends would have us believe that there is something peculiarly deficient in the American character, so we are not capable of having a health care system like this. Apparently they think we are stupid as a country that if we set up a system and it turned out that people in this rich country had to wait a long time for medical care, we would just sit there and say, "Oh, isn't that too bad?"

We are talking about a system which will be dynamic and which will change. We are not planning to suspend the Congress of the United States, although some people in the White House may think that would not be a bad idea. What we would do would be to set up the system and then recalibrate it if we had this problem. If it turned out in a particular area that the lines are too long, then we could change that. But let us look at the current reality.

□ 1840

Increasingly we are told by our business community that the cost of medical care puts them at a competitive disadvantage because they have to put the cost of medical care on the car, on

the computer, on the piece of equipment we are trying to sell, whereas in other countries they can put the cost of the medical care into a nationwide system and it does not become a per unit cost on the piece of equipment for sale.

Medical cost sharing in my recent look is the single greatest cause of labor disputes in the United States of America today. We have more friction on the job, more lost labor time, because of companies saying we cannot pay you, and vice versa. It has become a major factor in the bankruptcy courts. We have situations where people who have worked hard all their lives to build this country then found that the company they worked for, maybe it was an airline, went bankrupt, and they are being told they are going to lose their health care benefits because of things obviously over which they had no control.

One of the things about our health care system now when it is tied to the job is that it has become a major interference with the mobility of the labor market. All good free enterprise economists want there to be great mobility in the labor market. So we all know people who dare not move from their job because of what it would mean to health care.

Mr. RUSSO. What we ought to understand is the reason we are in trouble today is because of the kind of system that we have that is employer-based, and it has 1,500 different insurance companies who are in the business of insuring healthy people. Because why else would they deny you coverage if you have a preexisting condition and you wanted to move jobs?

If you have bypass surgery and you may be 50 years old and healthy as a rock, running the triathlon, and you want to change jobs to another place and they take your medical record. On your medical record it says you have had bypass surgery, you cannot get insurance.

Mr. FRANK of Massachusetts. If the gentleman will yield, is the gentleman telling me that because I was in Boston and not in Connecticut, so I did not have bypass, I had angioplasty, but the gentleman is telling me if redistricting does not go well, I am going to have trouble getting health insurance?

Mr. RUSSO. Well, that is quite right. The other thing is, the private sectors, it is companies who are trying to compete in the world market. How can they compete when in the last 2 years their insurance costs have gone up, their insurance premiums, have gone up over 50 percent? It is impossible to deal with a system that continually escalates costs. Because basically insurance companies to not want to insure sick people.

Mr. MILLER of California. If the gentleman will yield, I think the gentleman from Massachusetts [Mr. FRANK] is making a very important point, that today your access to health insurance has nothing to do with your need or well-being for that health insurance. It is a question of where are you employed, the size of your employer, do you work part time, is it a good paying job, or a bad paying job? If you are a young family and your children are in school and they graduate and do not get a job, the fact that they are 23 and are no longer in school, they do not get health insurance coverage.

It is cheaper now to send your kid to law school so they can get health insurance than to have them out of school with no insurance.

Mr. FRANK of Massachusetts. If the gentleman would yield, it would depend on whether your coworkers are sick or not sick. And this is not just a matter of equity. Frankly, I think we have got all the votes we are going to get in this House based on equity. Now we have got to pick up those Members who are not that equity motivated. Let us get to efficiency and productivity.

The current employer-based patchwork health system is a significant interference with economic rationality. If you look at free market economics, if you look at the bases on which people are supposed to price their products. If you look at free market economics and on labor mobility, and on where people are supposed to move for jobs. The fact is that keeping health insurance has become so much a dominant factor for people that it has become an important interference to economic reality.

Finally, let me say in closing, and I appreciate the time of the gentleman, when we talk about costs, I know very few people who do not feel at this point more frightened and threatened by the rising cost of their health insurance than by the cost of their taxes.

The taxes are something they can control. They can vote on elected officials. So there is some element of control there.

But health care costs that people have had to pay have been growing. When you combine the two, lose your job, change your job, be put on the market where you have to do it on your own, and it becomes a disaster.

This country owes itself a far better and more rational and fairer health care system than it has, and the gentleman from Illinois has given us the pathway.

Mr. RUSSO. The polls indicate, if I may tell my good friend from Massachusetts, that most Americans do not feel that their health insurance will cover their big illness. We are all basically one illness away from bankruptcy, unless you are a multimillionaire.

The polls seem to indicate that even though they may have this employer-based insurance, they are not sure that somewhere in that policy, somehow, somewhere, that when they have a major illness, they are going to be denied that coverage at the moment of truth.

Mr. FRANK of Massachusetts. I ask for just one more minute to point out what we all know, we tell people that work very hard in this country all their life and save some money, and we worry about the savings rate, but we have a medical system that says if you reach the age of 70, 75, or 80, and become very ill and you are going to require long-term care of some sort, you almost certainly will have to become a pauper. Because the Federal Government simply will not help you until that has happened.

So we tell people to save all their lives, and then, when you are old, you get very sick, you get taxed away everything you have saved all your life, and that is an irrationality that we should not allow to continue.

Mr. MILLER of California. Mr. Speaker, if the gentleman will yield just for one point, I just want to say I think the gentleman has raised another point, and that is we are told constantly that businesses want to reform health care because they cannot compete in the world marketplace.

I find it interesting that the systems they say they cannot compete against are the systems such as the gentleman is suggesting creating here. The maintenance of this system, we have found out we cannot compete against the West Germans, the Japanese, or other major industrialized countries, and yet they are all able to compete against us and maintain a single payer national health care system within their countries for their workers, for their families, for their entire population.

So it is rather amazing that we would struggle so hard to hold on to a system that is not allowing us to compete against identically the system that you are talking about creating.

Mr. RUSSO. As the gentleman from California [Mr. MILLER] knows, they do it for less money than we do it, they have better health care statistics than we have, so the question is why should we not do it? We cannot do less than single payer, and the country needs to know that.

We need to have this debate, because this ought to be a major issue in next year's Presidential election.

Mr. MILLER of California. I want to take one minute to thank the gentleman from Illinois [Mr. RUSSO] for this special order. I am very proud to be a coauthor of this legislation, because I think it is the single most important debate that we can have with respect to the future of America's families, the well-being of their children, the security of their jobs, their economic security; that this debate around health care and the inability of the American family to pay for it and to have access to it must be addressed by this Congress.

I would hope that we would continue to have these special orders, and that we will at a time when health care comes before this body, that we would have a full-blown and lengthy debate, and let those people who want to detract from your legislation, from the notion of a single payer system, from comprehensive health care, come forth and make their case. Let us debate this, and let the country see the kind of misinformation that has been perpetrated about the notion of national health care and single payers, and let them understand that this is clearly within the capabilities of this country, to provide better health care to more people for the same costs. That ought to be the goal of this Congress.

Mr. RUSSO. I yield to the gentleman from New York [Mr. SCHEUER].

□ 1850

Mr. SCHEUER. Mr. Speaker, I am a proud cosponsor of H.R. 1300, the Universal Health Care Act of 1991. I wish to again commend Congressman RUSSO for introducing this legislation and for his leadership on an issue of vital importance to all Americans. The legislation provides for universal access through a simple single payer system. I thank my colleague for yielding time to me so that I can participate in this important dialog.

In the movie "Network," a frustrated and angry anchorman, played by the late Peter Finch, rebels against the restrictions he operates under by declaring to all within earshot, that "I am mad as hell and I am not going to take it anymore." American health care consumers are in the same mood. And for many good reasons.

Recently, for example, in my own State of New York, the largest health insurer in the State—Empire Blue Cross and Blue Shield—announced that it planned to increase health insurance rates for 300,000 people who buy their own policies and for another 120,000 employees of small businesses who are considered bad risks because of preexisting health conditions. If this rate increase is approved by the State insurance department, then residents of New York City and surrounding counties would pay $11,000 for a comprehensive policy, if purchased on an individual basis, and more than $9,000 if purchased by a small business group that Blue Cross considers to be risky because some of the workers have health problems. Aside from the fact that the proposed premium increases of almost 50 percent in a single year are outrageous, the proposal of Empire Blue Cross and Blue Shield moves in the direction of instituting experience rating—a practice, which if fully implemented, will lead to the denial of health insurance to those most in need of medical care.

Mr. Speaker, since this increase in health insurance premiums tends to be repeated week after week, month after month, in cities and towns all across this Nation, the American public, like the anchorman, is getting mad as hell. We need only look at a recent headline in the Wall Street Journal—certainly not a supporter of Government intervention.

Let me quote the Journal headline. "Voters, Sick of the Current Health Care System, Want Federal Government to Prescribe Remedy."

The June 28 Wall Street Journal article reported on a Wall Street Journal-NBC poll which found that 55 percent of registered voters believe that the high cost of our health care system is the most important health care issue facing the country today. And the public most frequently cited insurance companies, doctors, and hospitals as the culprits for escalating health care costs. Finally, and most important, although the public does not blame Government for creating the problem, a majority—51 percent—say it is primarily up to Government to solve the problem.

Mr. Speaker, it is time that we accept the challenge the American people have laid at our congressional doorstep. The time for reforming our health care system is now.

We can provide quality health care for the uninsured and the underinsured without increasing the amount of money our Nation now spends on health care. This goal is within our reach if we adopt some form of the single payer system.

Congress General Accounting Office, after a thorough review of the single payer system in Canada, concluded that the adoption of a single payer system in the United States potentially could save $67 billion—more than enough money in today's economy to provide quality health care for the uninsured and for the underinsured. Furthermore, the GAO notes that a Canadian style single payer system, with global budgeting and negotiated fee schedules, "could constrain the future growth of U.S. health spending leading to substantial further cost savings."

And, based on their recent study in the New England Journal of Medicine, Drs. Woolhandler and Himmelstein estimate potential savings in 1991, from adopting a single payer system, to be $136 billion.

Mr. Speaker, this is not the forum in which to determine the precise magnitude of the potential savings from a single payer system. At hearings starting next week that, as chairman, I have scheduled before the Subcommittee on Education and Health of the Joint Economic Committee, we will explore the issue of administrative savings in more detail with a wide range of experts from the insurance and health industry and from the business, labor, consumer, and academic communities.

Instead, Mr. Speaker, I wish to ask a few very simple questions.

Is there anyone in this Chamber willing to vote to spend $50 to $100 billion on pushing paper, rather than on prenatal care for pregnant women?

Is there anyone in this Chamber willing to vote to spend $50 to $100 billion on pushing paper, rather than on health care for children living in poverty?

Is there anyone in this Chamber willing to vote to spend $50 to $100 billion on pushing paper, rather than on health care for workers and their families who lost health insurance coverage when the head of the family became unemployed?

Is there anyone in this Chamber willing to vote to spend $50 to $100 billion on pushing paper, rather than on health care for employed workers who forgo preventive care, not covered by the company insurance policy, so that their children can get needed dental care?

And, Mr. Speaker, is there anyone in this Chamber willing to vote to spend $50 to $100 billion on pushing paper, rather than on long-term care or catastrophic coverage for our senior citizens?

Mr. Speaker, the questions answer themselves. Let those who would waste $50 to $100 billion come to this well and tell pregnant women, children living in poverty, workers, and the elderly that pushing paper is more important than providing access to quality health care to all of the groups I have mentioned.

Let no one conclude from my remarks that I don't care about the people in the insurance industry. I feel sorry for those who might lose their jobs when we eliminate all the unproductive paperwork. But I feel even more sorry for pregnant women, for children, for workers, and for the elderly who are being denied access to health care because some people are still defending an incredibly inefficient, wasteful, bloated, and chaotic health care system.

An overhaul of the health care system will, in the final analysis, make our economy more productive. In the short run, total spending and total employment in the health care industry will be unchanged, but the spending and employment will be reallocated to more productive uses. Workers will be liberated from pushing paper, and, therefore, better able to treat patients—the insured and underinsured—who will rightly now demand greater access to health care.

Doctors will spend less time explaining a complicated bill to frail, elderly people and more time treating them.

Nurses will spend less time filling out medical coding forms, needed as input for billing insurance companies, and more time caring for patients in hospitals and nursing homes.

Computer technicians will spend less time designing programs that track

complicated billing procedures for doctors and hospitals, and more time designing procedures that improve our ability to interpret complicated diagnostic tests.

More than 10 million people are employed in the business of delivering health care. About 20 percent of this effort goes to administrative responsibilities. A single payer system would permit doctors and nurses to spend more time on patient care and less time on administrative responsibilities.

The elimination of the private health insurance industry would eradicate the jobs of approximatley 500,000 unnecessary personnel in our health care delivery system. Naturally, a major concern is the effect this would have on individuals who lost their jobs and on communities in which they reside. But Congress has dealt with difficult transitions such as this before.

Military cutbacks and base closures are unpopular—but everyone agrees that we can no longer afford oversized defense budgets. And indeed, over the next 5 years, up to 1 million individuals will be laid off as a result of our Nation's decision to downsize its military.

We have been especially effective in the past in assisting communities predict and resolve problems caused by significant reductions in the size of the defense establishment. The DOD defense economic adjustment program has assisted almost 500 communities. About 158,000 new jobs were created in 100 localities to offset the loss of 93,000 jobs resulting from base closures.

There is no reason to believe that we could not be equally effective in assisting individuals that would be dislocated as a result of the elimination of the private health insurance industry.

Mr. Speaker, it is more than 40 years since President Truman first proposed providing universal access to health care. The need for reform was clear 40 years ago; the passage of time has only increased the urgency.

The time for action is now.

Mr. RUSSO. Mr. Speaker, I would like to point out, one of the major concerns that we have in health care in this country is how do we contain the costs of health care. And to contain costs, H.R. 1300, the bill that I have introduced and that the gentleman is a cosponsor of, would establish what is known as national and State health care budgets. It would establish national expenditure targets. It would establish global budgets for hospitals and fee schedules for health care providers.

Why is that important? According to the General Accounting Office and according to the Congressional Budget Office, no other health care reform plan can achieve the cost savings of this single-payer program with these cost containment features. These are the most stringent, toughest cost containment provisions in any health care bill.

As the gentleman knows, H.R. 1300 has 55 cosponsors, more cosponsors than any other health care reform bill that is before this Congress. So we ought to be very proud of the provisions in H.R. 1300.

It is going to guarantee quality health care for all Americans. It is going to contain costs with the toughest cost containment mechanisms that we could come up with. And it is going to give peace of mind to those Americans who when they need health care, it is going to be there for them, whether they have a preexisting condition or whether they change jobs or, God forbid, they contract a major illness while they are working. They do not have to worry about not being able to get health care in this country. They will be able to get health care under any circumstances.

That ought to be the major objective of this House of Representatives and this Congress and this President.

Mr. SCHEUER. The bill of the gentleman from Illinois [Mr. RUSSO], which I am proud to be a cosponsor of, combines decency, morality, and ethics in that it takes care of everybody and it provides for all of the health care needs and at a cost significantly less than what we are spending now.

Mr. Speaker, the Pepper Commission estimated that it would cost us $55 billion or $60 billion to go into a national health program. The savings that we would accrue from eliminating these 1,500 cockeyed health insurance programs and policies where these companies are falling all over themselves, the savings that accrue have been estimated at anywhere from $60 billion to $130 billion. The Congressional Budget Office estimates $55 billion to $60 billion. The General Accounting Office estimates $67 billion, and Drs. Wolhandler and Himelstein have written in the prestigious New England Journal of Medicine that after a couple of years of rationally redesigning the system and a single-payer system, the savings would be up to $132 billion or $133 billion.

Now, who would be hurt by this? Nobody would be hurt by this. The business community is offended and outraged.

Mr. RUSSO. The insurance companies would be hurt by it because they would no longer be able to write health insurance policies in this country under the single-payer approach. But from my personal conversations with several, in fact, I had one insurance person talk to me today after a speech I gave indicating that "You have to understand, Congressman, this is not a lucrative business for us. This is not something where we make a lot of money. Some of the major carriers no longer write health insurance because they cannot make any money at it."

What I said to him is, "I have this bleeding heart for insurance companies. I feel so poorly about the fact that they are losing so much money at it that that is why I introduced this bill, H.R. 1300, so they do not have to lose money any more."

We will get them out of the business, and we will run a single-payer system that will cover everybody, that will not be a myriad of eligibility requirements. There will be one requirement. Everyone will be treated the same. You will not have to fill out all these forms, spend all this money.

Do my colleagues realize that we spend 24 cents on every health care dollar in America on administrative costs? That is anywhere between $170 billion to $190 billion out of the $800 billion on Administrative costs. If we could just cut that in half, we could give the Cadillac program to everybody in this country for less money then we spend today.

Mr. SCHEUER. Mr. Speaker, the gentleman is absolutely right. The costs in human terms and in financial terms of our current, utterly chaotic system are appalling. We exclude 37 million people from health insurance altogether. We take care of them through the emergency rooms at an exorbitant cost. We do not provide long-term care for seniors. We do not provide catastrophic care for anybody.

We provide thoroughly substandard care for poor women and their kids, prenatal and postnatal. The kids zero to 10.

But there is a pot of gold out there, a pot of gold out there that we could pay for all of these things and end up spending significantly less as a percentage of our gross national product than we are paying now. And that pot of gold is a single-payer system.

Why there are not 435 Members on the bill of the gentleman from Illinois [Mr. RUSSO], I do not understand. How can we not do it?

We are afraid of change, but we have let ourselves grow like Topsy in a way totally chaotic and with a wasteful health care system, when all of the other industrialized democracies of the world have streamlined intelligent health care systems. We ought to go that route.

□ 1990

Harry Truman advocated that we go to a national health care program 40 years ago.

The American people reminded me of the announcer in the movie, Network. The guy said, "I'm mad as hell and I can't take this anymore." Congressman, the American people are way ahead of the Congress, they are extraordinarily far ahead of the administration. They want a national health care system.

Mr. RUSSO. And they are only going to get it if they demand it, because this inside-the-beltway mentality that says we cannot do it is dead wrong. And if

the American people want a major change, and 89 percent of them in the Post say they do, they are going to have to write their Congressman, they are going to have to write the President and instruct their legislative leaders and say we want H.R. 1300, and we need it right away. That is the way we are going to get what the public needs, if they demand it. The Congress and the Senate respond to the people's wishes, and if they want major change like they say in the polls, then they have to ask for it. They have to write, call, do whatever is needed to be done to gin up the people and lead them. No inside the beltway. You may not think this is right, but outside the beltway where the people live and make decisions about their daily lives, they want the universal national health care coverage for all Americans, because we can do it cheaper if we eliminate the No. 1 problem, which is the insurance companies' administrative waste that takes away from the needs of the American public when it comes to health care.

Mr. SCHEUER. The American people want a national health care system. They want a single payer system. They feel that Congress is responsible for their well-being. They do not hold us responsible for the health care mess, but they hold us responsible for doing something about it.

That is why I think we all owe you a debt of gratitude for the tremendous leadership you have shown.

Mr. RUSSO. I thank my good friend from New York.

Mr. Speaker, I yield to my good friend, the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I am privileged today to join my distinguished colleague, MARTY RUSSO of Illinois, and other distinguished cosponsors of the Universal Health Care Act of 1991, in an effort to increase understanding of the benefits of a single-payer system as proposed by H.R. 1300.

Our health care system is in a state of chaos. It is consuming a sizable portion of our GNP. Thirty-seven million Americans are uninsured and millions more underinsured. It is no secret that one of the top priorities in the minds of everyone across the Nation is to see our health care system reformed. They want to see high-quality health care equally available to all Americans. They want a national system that provides comprehensive benefits to all, a system that gives them freedom to choose their own doctors, hospital, or health care provider of their choice. Americans want to see a health care system that provides quality measures to improve the type of medical care they receive and one that gives Americans no financial obstacles to receiving care.

Mr. Speaker, I am pleased to be a cosponsor of a bill that proposes to provide Americans with all that I have just mentioned. A bill that will eliminate administrative waste and establish a single-payer system to replace thousands of public and private health insurance programs in the country thereby saving the United States huge amounts of administrative expense estimated by the General Accounting Office at more than $67 billion a year. These health care dollars which would have been used in determining patients eligibility for health insurance, for billing, advertising, marketing, and commissions, would be allocated to improve the quality of care.

This plan will also provide for uniform Federal standards to guarantee that all Americans receive full access to comprehensive, quality care, and progressive financing to make health care affordable for all.

Another benefit of this plan is the prevention of bankruptcy in our businesses because of the acceleration in health-costs for employees. I was amazed to learn that most businesses now spend almost as much on their employees' health insurance as they earn in after-tax profits and many of the giant corporations are now having trouble paying the bill. Furthermore, this single-payer plan will also curb the astronomical amount of our GNP spent on health care, which is now 12 percent and growing to an expected 15 percent or $1.5 trillion by the year 2000. It is absurd that the United States spent more than any other major industrialized nation in health care, yet millions of children are denied pediatric care; pregnant mothers are denied prenatal care; working parents are impoverished by unexpected health costs; and the elderly do not have long-term care.

Mr. Speaker, today, the only State in the Nation who can boast of near-universal health care is the State of Hawaii. Under its prepaid health care program established 17 years ago, every employer is required to pay insurance premiums for any person working more than 20 hours a week. Almost all of Hawaii's 1.1 million people have some kind of medical insurance. The unemployed, seasonal workers, and those whose jobs do not include insurance are taken care of by State medical subsidies established during Governor Waihe'e's administration. Although this is not a single-payer system and administrative costs absorb a substantial portion of the health care cost, Governor Waihe'e and his administration must be commended for being able to provide health coverage for about 98 percent of the State population.

Mr. Speaker, I have not touched on most of the major provisions and benefits of the Universal Health Care Act because of time. However, I want to say that I firmly believe that what America needs is for the Federal Government to provide health insurance for all Americans. A health care system that would cut the Nation's health care costs, yet providing comprehensive, quality health care for all Americans. And that, Mr. Speaker, and my distinguished colleagues, is what H.R. 1300 proposes to do. I urge you to support the National Health Care Act of 1991 for the sake of all the citizens of this great Nation.

In conclusion, I would like to commend Congressman RUSSO for his effort and hard work in designing and developing this excellent initiative which will resolve the critical need in the country for a universal, comprehensive, and quality health care for all.

Mr. Speaker, I include for the RECORD an article from the New York Times of Tuesday, July 23, 1991, entitled "Hawaii Shows It Can Offer Health Care Insurance for All."

The article referred to follows:

[From the New York Times, July 23, 1991]

HAWAII SHOWS IT CAN OFFER HEALTH INSURANCE FOR ALL

(By Timothy Egan)

HONOLULU.—Residents of the Hawaiian Islands, more than 2,400 miles from the American mainland, have long complained that they are left out of major debates that ripple across the nation.

But on at least one big issue—how to provide adequate medical care to all citizens—health policy analysts say Hawaiians are well ahead of the rest of the country, and their state is being studied in Congress and by other state governments as a potential national model.

The 50th state is the only one that can boast of near-universal health care. Under a 17-year-old program that requries employers to pick up the cost of insurance premiums for any person working more than 20 hours a week, most of Hawaii's 1.1 million people have some kind of medical insurance. The unemployed, seasonal workers and those whose job does not include insurance are taken care of by state medical subsidies.

SOME SPECIAL CIRCUMSTANCES

In all, 98 percent of Hawaiians have some kind of medical insurance. By contrast, in the country as a whole, 14 percent of the population or 34 million people, lack medical insurance and get no government subsidy. Most are wage earners who work for small or low-paying businesses.

Perhaps most surprising to many experts, the near-universal access to health care here has not led to soaring costs. While Hawaii ranks near the top of the states in cost of living, its average health insurance premium is near the bottom. For example, a family in Hawaii pays a premium of $263 a month, nearly half that of other states.

To be sure, Hawaii differs from the other 49 states in many important ways. The population is small, the climate is healthful, and the state has a long tradition of providing generous benefits to workers, most of whom belong to unions.

Even during the current recession in tourism, Hawaii has the lowest unemployment rate of any state, 2.8 percent; its insurance companies have to pay little compared to other states for hospital care for the unemployed. Its insurance industry is dominated by a few big companies, which can exercise strong bargaining power to keep doctors' and hospitals' fees down. It is in the middle of an

ocean, so businesses that might object to paying health care costs—up to $1,000 a year per employee—cannot simply move across a state line.

But while these oddities help explain Hawaii's success in keeping rates low while providing care to nearly everyone, advocates here and experts on the mainland say the state has much to contribute to the current national debate.

"One criticism I hear is that we are different, as if we're all sipping mai tais on the beach and dancing in coconut shell bras," said Dr. John Lewin, Hawaii's director of health. "We have a lot of poor people in Hawaii. We have all the health problems of the rest of the states. But what makes us different is that we decided to do something about it."

Dr. Lewin, energetic and outspoken, has become a sort of evangelist for universal health care, which he calls a basic human right. He has spoken to numerous Congressional officials and to leaders in states like California and Washington, where similar plans are under discussion. The thrust of his argument is that the states can provide health insurance for all citizens and keep costs down if preventive care is emphasized, and if there is competition among the major insurance companies to go after the uninsured.

Dr. Karen Davis, a professor of health policy at Johns Hopkins University in Baltimore, agrees. "What Hawaii has demonstrated, to a lot of people's astonishment," she said, "is that they have covered all their people while minimizing economic disruption."

By contrast, Massachusetts' plan for universal health insurance, also considered a pioneer of sorts, has stalled amid concern over the state's soured economy. Small-business owners, who starting in January would be required to offer employees insurance or pay the state to do it, are lobbying for a delay or outright repeal of the plan.

A 'COST OF DOING BUSINESS HERE'

The Hawaii plan took effect in 1974, when much of the country was in a severe recession. The world of health care was much different then. For one thing, mandatory insurance coverage by employers was not considered particularly radical; one of its leading advocates was the Nixon Administration. For another, no one had heard of AIDS, crack addiction or the host of high-technology advances that have driven up the cost of medicine. Before Hawaii's plan went into effect, 17 percent of its residents were without medical insurance—a greater percentage than that represented by the 34 million Americans who now lack coverage.

In the Hawaii plan, the employee pays a portion of the insurance: no more than 1.5 percent of a person's gross wages, or half the premium, whichever is less. For someone making $2,000 a month, the fee can work out to around $30 a month. The requirement applies even to people who hire domestic workers for 20 hours a week or more, and any business that does not comply can be fined or shut down. State officials say they have had few problems with compliance.

Some business groups still complain about the cost. "For the smaller businesses, it's somewhat of a problem," said Mary Jane Van Buren, a spokeswoman for the Hawaii Chamber of Commerce. "It can make a difference, for some people, between going under and staying profitable." But she added, "People accept it, like everything else, as the cost of doing business here."

A STATE OF SMALL BUSINESSES

As Congress debates a Democratic-sponsored bill to require employers who do not provide health coverage to pay premiums for uninsured workers, the main argument used against the measure is that it puts too much of the burden for national health care on small businesses. It could lead to higher inflation, the critics say, and create still more bureaucracy to bedevil small businesses that are already snagged in Government-generated red tape.

But Hawaii's example, experts here say, belies the arguments.

The state's economy is run by small businesses; more than 90 percent of Hawaii's 27,271 individual enterprises employ 50 people or less, according to the state labor department.

Jean Pinc, who runs the B & L Bike and Sport Shop in Kona-Kaikta, on the Big Island of Hawaii, says the additional cost of paying health insurance for three full-time employees has not been a drag on the business. "We want to keep our good people, and one way to keep somebody loyal is to give them good benefits," she said. "Everybody who runs a small business is pretty much in the same situation."

Not everyone is covered by the Hawaii requirements. In the most important exception, employers do not have to pay for care of dependents. But business people here say the competition for workers is so strong that most dependents are covered.

THE PART-TIME LOOPHOLE

There are ways to get around paying insurance premiums. Some businesses hire only part-time workers, avoiding the 20-hour threshold.

"We could do that if we wanted to, and I know some people do," Ms. Pinc said. "But again, it comes down to trying to run a business with people who will stay loyal and do a good job for you."

The fact that Hawaii has virtually full employment means that companies have to compete, with various benefit packages, to keep good workers. As it is, "some employers are desperate for workers," said Rich Budnick, a spokesman for the Labor Department in Honolulu.

Last year, a second part of the Hawaiian health plan, designed to cover the 5 percent of the population that falls between the cracks, went into effect. People who otherwise have no insurance pay a small fee for each doctor visit and a portion of the insurance premium. The rest is picked up by the state. The poor are covered by Medicaid, the state-Federal program, as in other states.

The 1990 plan, called the State Health Insurance Program, is running below its projected budget cost—insuring slightly more than 10,000 people at an annual cost of under $1,000 per person. But it provides only basic benefits, covering no more than five days in a hospital per year and limiting care in other ways.

A POUND OF PREVENTION

The question most frequently asked about Hawaii's system is how the state has managed to control costs. With Hawaii's isolation and expensive real estate, the cost of living is about 30 percent above the national average. But its health insurance premiums, for a single person per month average about $94 a month—well below the $154 average cost for a similar policy in New York, California's $141 premium and the $282 average for Kansas.

The infant mortality rate, down 50 percent from its high of 16 per 1,000 in 1974, is among the nation's lowest. Life expectancy, at 78 years, is near the top.

"The secret of our success, the secret that many in the American medical establishment do not want to hear, is prevention," Dr. Lewin said. "We have twice as many outpatient visits, that is, people see their doctors several times a year, and half as many hospital stays, as the national average."

People are encouraged to go to the doctor early and often, he said, thus minimizing the chance of costly operations for maladies that could have been prevented. "The emergency room is not the place to get prenatal care," Dr. Lewin said.

SPREADING RISK AND EXPENSES

Another cost-saving aspect is that the pool of workers covered by a given insurance plan is not drawn from a single workplace but from the entire population. If the premiums were based on the health of 10 people at one office, and 2 of those people had life-threatening diseases, the costs for everyone else at that office would skyrocket. But because the risk pool comprises all people on the island, the costs are much lower.

"This has reduced the administrative expenses for insurers, and together with the spreading of risk, made insurance premiums affordable for all but a handful of small employers," wrote Molly Joel Coye, the head of California's Department of Health Services, in the Summer, 1991 edition of Issues in Science and Technology.

But just as Hawaii is being studied by people outside the state, Dr. Lewin fears that a new Federal system proposed by Senate Democrats, a "mega-Medicaid," as he calls it, will be imposed on Hawaii. The proposal would eventually require all employers to provide health insurance for their employees or to or pay into a health-care fund. Although Dr. Lewin likes aspects of the bill, he worries that the additional Federal bureaucracy would set Hawaii back.

The Federal Government should establish a minimum set of benefits, Dr. Lewin says, then step aside and let the states craft their own programs.

Mr. RUSSO. I thank the gentleman from American Samoa.

It is my honor to yield to the gentlewoman from San Francisco [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and also thank him for his leadership and boldness in presenting this legislation to the Congress and to the country. I am proud to be an original cosponsor of the Russo bill, the single payer bill for universal access to quality health care in America. On behalf of my constituents, Mr. RUSSO, I want to extend their thanks to you as well.

I have been in communication with them on the issue of health care reform, access to health care, and in a series of meetings with small business, with big business, with health care providers, with grassroots people interested in mobilizing for reform in and access to health care in America, and very importantly to me at my neighborhood meetings, grassroots meetings with my constituents in my district. Starting with the last group I mentioned, I am pleased to report that as a result of our meetings, which were attended by hundreds of people, and also

mailings that we did into the district describing the options before the Congress, the response was overwhelmingly, in the nineties, overwhelmingly in favor of a single payer, the Russo bill. We presented three options to my constituents. One was the single payer. Another was the play or pay, which I know has been addressed here earlier, which was more employer based. And the third option was credits as proposed by our more conservative colleagues in the House.

Focusing on the two that have generated the most interest, single payer, as I say, even though it is difficult, because so many of our colleagues standing on this issue are divided on it and have traditionally voted for play or pay, an employer-based system.

Mr. RUSSO. If the gentlewoman will yield, I think it is important to at least talk about what they mean by play or pay, because that is one of the options, and I think it is a deadly option. It is the option that goes in the wrong direction.

Basically under the play or pay, it is an employer-based plan that says if you want to play you can offer health care for your workers through the private sector, through insurance companies. However, if you do not do that, then you will have to pay a tax and pay into the system.

What is wrong with play or pay? I will tell you what is wrong with play or pay. The only people who will play are those companies and those employers that have a very healthy and a very young work force. Why? Because they will get the best premiums. The insurance companies are not in the business of wanting to give good premiums, low premiums for sick people. If you are a company that has older people, and you have some employees that may have had bypass surgery, have high blood pressure, have a preexisting condition, may have suffered breast cancer, the insurance premium will be so high that they will not play, they will pay. So the Federal Government will be picking up that cost.

Why do I say that? What happens is the pay premium will not be that high, so the Federal Government will get the worst of all worlds. We will get the high-risk, high-cost individuals, and the insurance companies will get the low-risk, healthy people, which is just the absolute wrong way that we ought to be going. So play or pay to me is not the option, because it does not cover enough Americans. It gives the Federal Government the biggest burden, and it is a huge mistake, the same mistake that was being made back with Medicare and Medicaid. The Federal Government got the elderly and the poor, and the insurance companies got everybody in the middle who were healthy and prosperous because they are in the business of a bottom line. So I thank the gentlewoman for giving me that opportunity.

Ms. PELOSI. I thank the gentleman. I will add to what is wrong with play or pay by saying it does two other things. The gentleman touched on one at the end of his remarks by saying it produces a system or could produce a system like Medicaid. We will have two tiers, two different qualities of health care, access to health care in America, and that is just whatever we propose next in terms of reform should avoid, but which I believe is built into play or pay.

The other complaint that I have about play or pay is that it may address the needs of more Americans than are covered now, but will still leave tens of millions of Americans uncovered, but decrease the constituency for major reform in our country.

□ 1910

So what will appear to look good to some, they will swallow that, and then we will have lost momentum, and I think that is a danger in the pay or play.

Mr. RUSSO. The other problem with pay or play, it is going to cost middle-American taxpayers more tax dollars not for increased insurance benefits for them but to cover poor individuals that the insurance companies will not, and indirectly what we end up doing is the American taxpayer is going to be subsidizing the administrative waste of the insurance industry. That is the wrong thing to do. That is the wrong direction, and that is why pay or play, as far as I am concerned, has not picked up the kind of steam and momentum that people thought it would, because once you analyze it, it is going to be an enormous adverse effect, especially on business, because the business community cannot continue to exist under the current system, because their insurance premiums are getting higher and higher, and they get less and less coverage for more and more cost, and more and more small businesses are beginning to stop covering their employees. The only way we can give better coverage is if we have a single-payer system.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding.

I also want to commend the gentleman for sponsoring the Universal Health Care Act of 1991, H.R. 1300. I am very proud to be able to be a cosponsor of the act with the gentleman from Illinois, because as the gentleman has said, the health care system is, indeed, in crisis.

It is crushing our States and our municipalities, our businesses and our families, and I am convinced that we are going to give to our children a collapsed health care system unless we address this crisis by adopting the single-payer system that the gentleman has put forward and that he has given us the leadership to introduce here this year.

We all know the statistics that we are spending more than 12 percent of our gross national product on health care which is the highest of all the industrialized countries.

The increases in our health care spending go on year after year at a rate far greater than our economic growth rate, while at least 35 million people are uninsured and an equal number are underinsured, and we still rank among the industrialized countries lower than many of them on major health indicators.

It is a disgrace that this Nation has the highest infant mortality rate of all of the industrialized countries, and despite all of that exorbitant expenditure on health care, we remain the only industrialized nation other than South Africa that does not have a national health program. That is strange company, indeed, in a nation as rich as ours.

Our failure to provide adequate health care for all of our citizens is shameful. People are hurting. People directly hurt because of that health care system of ours.

Let me just give the Members one example. One of my constituents in the city of Westfield gave birth to twins. She paid $534 per quarter for health insurance with a $500 deductible. After giving birth, however, her carrier doubled her quarterly premium to over $1,000, and unable to get family coverage through her husband's policy, unable to afford these premiums with two new births and two teenagers and one income, she was forced to drop her insurance, leaving all but her husband completely uninsured.

To buy health insurance, she decided to return to work part time, but she discovered that she had to wait 6 months for her insurance coverage to become effective again. So she has outstanding bills of $2,000 for the care of the twins, no insurance to pay the bills, and worst of all, if anything goes wrong in the next 4 months, she and her babies have no health care protection.

That kind of thing is truly unacceptable. So I am urging my colleagues to follow the gentleman's leadership and to look to our neighbor to the north not just to the structure of their system but its popularity, a system that by a combination of public insurance with private delivery has created a highly rated health care system both by consumers and by providers.

We know what the problem is. We know what the solution is. All we have to do really is act, and I think we ought to act now.

I really commend the gentleman from Illinois for his leadership in bringing this before the public, be-

cause, indeed, it is probably the most important issue for families, for working people in this country at the present time, and it really cries out for a solution.

Mr. RUSSO. Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding again.

I also would like to say that our distinguished colleague from Massachusetts has demonstrated certainly the need for this reform.

My colleague, the gentleman from California [Mr. MILLER], earlier demonstrated to us how important it was to children and families, indeed, to all Americans, particularly working Americans who do not have the resources to defend themselves against the menace of becoming ill.

Our colleague, the gentleman from New York [Mr. SCHEUER], also demonstrated what the problem is, and the gentleman's bill offers a solution.

The gentleman has already addressed where the savings are in the administrative costs, the fairness of the legislation, because it treats all Americans equally, gives them health care according to their needs, not according to their ability to pay, and it eliminates that unfair rationing that exists today.

The gentleman has talked about the impact that there has been on business picking up the tab on all of this and how big business in particular has become overburdened by the cost of insurance, and small business is frightened by it. Some provide it, some do not. But they beg us for another solution beyond mandated benefits to something like a single payer.

But I would like for just a moment to talk about some of the individuals that participated in our neighborhood meetings and answered the questionnaire that we sent out about this. Without making a pitch, I just presented objectively what the options were, and we were overwhelmed by the response in favor of the single payer.

As recently as the other day when there was a rally organized by constituents that they invited me to, they had taken the initiative in support of the Russo bill, and as recently as this morning when I met with small businesses to describe to them the provisions of the gentleman's bill, some of the things that I think would interest our other colleagues are that the work force is changing in America. We think of people as working for a business, a company, the State, the city, some entity that provides coverage.

In a district like mine in San Francisco, and perhaps that of the gentleman from New York [Mr. SCHEUER] and others in different parts of the country, more and more we see people reaching their fulfillment in an individual way by being writers, artists, performers, photographers, dancers, whatever, in addition to being employed as a waiter or whatever, so these people who want to work at home or work as individuals or pursue an artistic career in the broadest definition of the word artistic are really, in order to make some valuable contribution to society without great financial gain, are greatly at risk. They really have no coverage.

The gentleman from Massachusetts [Mr. FRANK] talked about how people are locked into jobs because they cannot afford to leave because they lose their insurance, and many of these people, indeed, have to stay in traditional jobs because they cannot pursue the career of their choice, their first choice, largely because of health benefits. So there are many, many Americans who are not covered now who really cannot speak as a group, because they do not belong to a group because of the pursuit that they have undertaken in their lives.

Many of these people live in my district, and on behalf of them, I particularly wanted to thank the gentleman, because this is one answer, the one and only answer, and that they say pay or play really does not work for them; the traditional, the system as it is today, does not work for them, and if they happened to be married to someone who is working and they have a traditional work, job, and that person dies, they are again further menaced not only by the death in the family but also by the loss of benefits.

So for these people who work at home or pursue their individual pursuits, fields of activity, this offers some hope, and for that I wanted to convey a special thanks from San Francisco to the gentleman, because this really is an act of courage and a bold move on the genteman's part to put this proposal on the table, well thought out, and can stand the test of scrutiny in terms of its cost-effectiveness and the smartness and the intelligence in which it is presented.

For all Americans, be they big business, small business, and the individuals that I am talking about here, as you addressed other individuals who were threatened by the fear of becoming ill, I also want to thank the gentleman for putting this forth and giving us this. This is a very valuable debate.

It is a privilege to serve in the Congress of the United States, but never so much a privilege as when on an occasion such as this when we can really be addressing the needs of our people very directly, the needs that they feel immediately, those fears that menace them every day of their lives.

□ 1920

The gentleman has offered this to make a difference, and it is an honor to be part of it, and I thank the gentleman very much for giving us that opportunity. On behalf of my constituents, I thank the gentleman from Illinois [Mr. RUSSO] for his leadership.

Mr. HOCHBRUECKNER. Mr. Speaker, the topic of health care in the United States has been widely discussed during the 102d Congress. With the uninsured population reaching 37 million Americans, health insurance costs skyrocketing, and 12.1 percent of our GNP going toward health care, clearly this issue demands attention. That is why I have cosponsored H.R. 1300, the Universal Health Care Act of 1991, introduced by Congressman MARTY RUSSO.

Mr. Speaker, H.R. 1300 is a health insurance plan with a single payer approach that would eliminate most private insurance in favor of a Government-paid program. The bill incorporates Medicare's practice guidelines and expands them to cover the entire health system. Congressman RUSSO's goal is that every citizen would be granted equal access to all aspects of health care, while the Nation's health care costs would be reduced.

Under H.R. 1300, the Federal Government would provide health insurance for all U.S. citizens. Citizens would receive a health insurance card entitling them to the national health insurance benefits. There would be no coinsurance or deductibles and consumers would be free to choose their own doctors, hospital, or health care provider. Providers would be prohibited from charging more than they received from the Government.

H.R. 1300 has the support of several organizations, including the International Association of Machinists & Aerospace Workers; Amalgamated Clothing & Textile Workers Union; United Mine Workers of America; International Ladies' Garment Workers' Union; American Postal Workers Union; Communication Workers of America; National Association of Social Workers; and the National Council of Senior Citizens.

Mr. Speaker, this legislation would provide every U.S. citizen with the health benefits they deserve, while saving this country billions of dollars in administrative costs and wasted time. For these reasons, I urge my colleagues to cosponsor H.R. 1300.

Mr. LAFALCE. Mr. Speaker, not long ago, I came across the following quotation:

> It is no longer acceptable morally, ethically or economically for so many of our people to be medically uninsured or seriously underinsured. * * * If the Iron Curtain can be lifted, the Warsaw Pact dissolved, and East and West Germany politically reunited, all quite rapidly, because it was the right thing to do and the time had come—surely we in this rich and successful country can manage to provide basic health care because it, too, is the right thing to do and the time has come.

Coming from TED KENNEDY or the AFL–CIO, such remarks would not be surprising. But coming as they did, from the editor of the Journal of the American Medical Association, they were not only surprising but astounding.

In the United States, the quest for national health care reform has long faced a seemingly insurmountable Berlin Wall of forces opposed to major reform of the system. Physicians feared socialized medicine. Businesses feared costly mandates. The insurance industry feared encroachment. But in the past year, the

wall has begun to break; recognizing that we can no longer afford the costs, administrative burdens, and inadequate coverage associated with our current system, opposition to national health care reform is now weakening, and fundamental reform may be possible.

The most recent break in the wall was the urgent call for reform in the Journal of the AMA—the group long considered the strongest force opposed to national health insurance. The AMA, major business groups, labor unions, and policymakers now realize that action is necessary to help the 30 to 40 million Americans who lack health insurance and therefore typically do not have access to the care they need.

The editor of the AMA Journal believes it is no coincidence that the United States and South Africa are the only two industrialized nations without national health insurance. One of the many reasons for lack of access to health care in the United States, he says, is "long-standing, systematic, institutionalized racial discrimination."

Despite the lack of access, the United States spends more on health care than 22 other industrialized countries. According to the latest estimates, health costs account for 12.2 percent of America's gross national product [GNP], compared to 8.7 percent in Canada, 8.2 percent in West Germany, 6.7 percent in Japan, and 5.8 percent in the United Kingdom. And in the past 2 years alone, health insurance costs have increased by 46 percent.

Nearly one-quarter of America's health care spending is gobbled up by unnecessary paperwork costs. That is more than double the paperwork costs of any other nation. If the United States could bring its administrative costs down to the Canadian system's 11 percent level, according to the GAO, we could save about $67 billion in 1 year. Why the enormous difference? Unlike other industrialized countries, where coverage, fees, and benefits are standardized, the United States has 1,500 private health insurers, providing many types of coverage and benefits, with different sets of rules and requirements.

Unlike other countries, where bills for the same types of service can be submitted together, or where there is a single payer system, in the United States, hospitals and physicians bill separately for each patient and procedure. To help companies and health care providers cope, a myriad of claims processors, employee benefits specialists, accountants, consultants, and administrative support personnel are needed. Indeed, it's an administrative nightmare to both the patient and the health care provider.

Industry efforts to contain costs have made the system even more complicated. Complex new procedures to control utilization, necessitating formal reviews and authorizations before individual claims can be paid, have created, in the words of the AMA, a virtual "paper snow."

These trends must not be allowed to continue. As the AMA Journal noted, "An aura of inevitability is upon us." To control runaway costs and to provide access to affordable, high-quality care for all Americans, numerous plans have been proposed. Nearly a quarter of the corporate executives responding to a recent poll sponsored by the Robert Wood Johnson Foundation and the Gallup organization said they are willing to consider an approach which, in my view, is the most sensible—to create a single system in which the Government sets cost limits and provides health insurance for all citizens.

The Universal Health Care Act of 1991, which I have cosponsored, would guarantee health care access for all Americans and would allow everyone to choose their own doctor. Businesses would no longer be saddled with the administrative and financial burdens of providing health insurance and would, therefore, be in a better position to compete in the global marketplace. Americans would save billions in the administrative costs of health care, and would receive full coverage for all major health care services, including doctor and hospital visits, annual checkups, dental care, prescription drugs, nursing home care, as well as home and community-based services.

In developing comprehensive reform, we should keep an open mind and listen to what our constituents are saying. In a recent Gallup poll, only 25 percent of all Canadians expressed "deep dissatisfaction" with their health care system, while 89 percent of all Americans expressed deep dissatisfaction. And according to a 1988 Louis Harris poll on attitudes about health care in the United States, Canada, and Great Britain, 61 percent of the Americans polled said they would prefer a Canadian-style system. In fact, a Gallup Poll released just this month, found that nearly two-thirds of Americans support nationalized health insurance, even if it means higher taxes.

Clearly, we need to take a closer look at the Canadian health care system. What are its strengths and weaknesses? In Canada, where health care coverage is universal and Canadian provincial governments are the single payers of doctors and hospitals, citizens generally do not have problems with access to primary care services.

According to the recent GAO study, "Canadian Health Insurance: Lessons for the United States":

> Canadians use more physician services per person than do U.S. citizens. Yet the cost of physician services per person in Canada is one-third less than in the United States.

In addition, according to the GAO:

> The combination of lower hospital administrative costs and the use of budget controls limiting equipment, facilities, and labor keeps Canadian hospital expenses down. In 1987 (the latest year for which comparable figures are available), Canada spent 18 percent less per person on hospital services than did the United States.

The GAO estimates that—

> If the coverage and single-payer features of the Canadian system were applied in the United States, the savings in administrative costs alone would be more than enough to finance insurance coverage for the millions of Americans who are currently uninsured. There would be enough left over to permit a reduction, or possibly even the elimination, of copayments and deductibles.

While different groups may criticize particular aspects of the Canadian system, most now agree on the major principles behind it—that affordable health care coverage should be available to all Americans, that any reform should preserve individuals' freedom to choose, and that costs must be reduced.

Fundamental change in our health care system will not come quickly or easily. But gradually the wall blocking reform is crumbling. We can look forward to building a new health care system that guarantees access to vital services for all Americans. As the editor of the AMA Journal said, "It is no longer acceptable morally, ethically, or economically" not to do so.

Mr. COLLINS of Illinois. Mr. Speaker, I rise in support of the efforts of my colleague, Congressman RUSSO, to bring sanity and stability to our Nation's health care system and I thank the gentleman for holding this special order.

According to current estimates, somewhere between 34 and 37 percent of Americans have no health insurance of any kind. That is a top priority concern that, in itself, should compel us to take strong steps toward reform.

But, additionally, those who are insured are often no better off. Health care costs are escalating at about 11 percent per year, twice the pace of general inflation.

Even worse, premiums for private health insurance coverage have been escalating at the rate of 21 percent in each of the last few years. According to a study by the Wyatt Corp., employer-based group health plans had to pay out an average of almost $4,000 per employee in premiums in 1990, a rise from $2,750 in 1988.

The United States spends roughly 12 percent of its GNP on health care, higher than any other country, and that number is expected to rise dramatically over the next few years absent major changes. We must get more for our money.

The Government Accounting Office has reported that the United States will waste about $67 million in health care overhead in 1991 that would not be spent if the United States had a single-payer national health care program. The savings would be more than enough to provide coverage to all those who are currently uninsured or underinsured.

The cost increases have a sharp impact on all sectors of the American economy. For example, over $700 of the cost of a car manufactured by a U.S. auto company is attributable to health insurance costs. The big losers are consumers, industry, and our national trade deficit.

The culprits include providers, insurers, and the low reimbursement rates for governmental health programs which resulted from the public health funding cutbacks of the 1980's.

Chicago, among many other parts of our country, has suffered greatly from these problems. As more and more people were priced out of the health insurance market during the 1980's, more and more uninsured families had to rely on government health programs which are poorly funded. Community health centers could not carry the load by themselves and many of the uninsured went to hospitals for treatment. Many of the providers who did offer care to indigents eventually became insolvent. During the latter half of the 1980's, 14 Chicago-area health care facilities closed their doors. That remains as a massive blow to the health care capacity of the entire city. The providers who remain are forced to shift some of

the costs of indigent care to their well-insured patients in order to keep afloat.

As bad as the rising costs of health insurance are, they are actually much more extreme for some groups of Americans than for others. The Energy and Commerce Subcommittee on Commerce, Consumer Protection and Competitiveness, of which I am the chairwoman, held a hearing earlier this year on the effect of insurer rating practices on the rising costs of private health insurance. The testimony which was heard was often startling.

Whereas health insurers formerly used underwriting to price and manage risks, underwriting now focuses on the avoidance of risk. As one witness, who represents an insurer, put it, "Insurance underwriting practices for small employers have reached the point where too often insurers see their business mission as figuring out which Americans to cover * * *" The result is that many Americans are now treated as uninsurable.

When an employer applies for group coverage of his or her employees, they are often told which of their employees will be covered and which will not. Pre-existing condition exclusions sometime exclude certain conditions from being covered, and those are usually the conditions for which a person most needs the coverage. Other times, an individual is completely excluded. These people often face financial ruin and must rely on public care to cover their bills, shifting the burden to taxpayers. Hospitals and physicians who treat them often are forced to compensate for the low government reimbursement rates by shifting some of the costs to their well-insured patients. As the cycle comes full circle, insurers are forced to increase their rates, and more people who cannot afford rate hikes become uninsured. This cycle of crisis is on an irreversible course toward disaster in the near future.

The bottom line of underwriting practices known as experience rating, tiered rating, multitiered rating, and especially durational rating is that higher-risk groups and individuals, and even many small groups that are not high-risk, are faced with dramatically higher premiums where they can find insurance at all.

For example, if a small group that is subject to these practices has even one member who develops a serious, costly health condition, the group's premiums are sure to be hiked substantially in the next year. In other cases, the carrier simply excludes such persons from coverage at the time of renewal. Due to durational ratings, many small groups that have no high claims still face sharp premium hikes simply because their coverage was designed for regular increases. For an individual with a serious, costly ailment who is not part of a group, the next year's premiums would skyrocket.

There are indications that some employers have begun to screen potential employees according to their health status before hiring them, in order to guard against increased premiums in years to come. Many workers choose not to change jobs of fear for not being covered under a new health plan.

There was also much testimony at our hearing about the unreasonable basis for many of the underwriting decisions. For example, even though these decisions are supposed to be made on the basis of actuarially sound rating principles, when there is no data, insurers usually assume that a person is a high risk. This was demonstrated to be the case for rare disorders such as Tourette syndrome and P.K.U. In the case of Sjogren's syndrome, which is merely the body's inability to produce adequate fluids, treatment is the frequent use of eye drops and other over-the-counter items. Yet, since it has an ominous name, some insurers treat it as a high-risk condition, complete with rate hikes and refusals to cover new applicants who have it.

Insurers were also shown to not distinguish between various types of other diseases, such as multiple sclerosis. In that instance, all persons with any form of multiple sclerosis are treated as uninsurable even though there are four forms of the condition, with victims of the benign form requiring no more use of medical care than an average healthy person who seeks care only a couple times a year.

The occupation of the applicant also is considered in determining who is a high risk. Rather than just limit this to ultrahazardous jobs, typical insurer lists of high-risk professions include doctors, nurses, lawyers, dentists, beauticians, barbers, workers in restaurants and bars, parking attendants, municipal employees, employees of nonprofit organizations and convenience stores, and, ironically, employees of insurance agencies.

Perhaps most inappropriate of all is the use of many insurers of family history and routine tests such as blood tests, urinalyses, cholesterol counts and salt level tests in determining who is a high risk. Virtually all Americans undergo these tests and the impact of such practices cannot be understated. Decisions are made on the basis of these results even though great speculation is involved in doing so and without regard for the fact that these levels often change over a period of months and even weeks. This information is often stored in either of a couple databanks which insurers easily and regularly access. No one is exempt.

While these are among the problems faced by persons and groups who rely on private health insurance, the problems with America's health care delivery system include cost shifting, competition among providers, the practice known as defensive medicine, and, of extreme importance, the increases in the basic cost of care itself. With a system as mired in shortcomings as ours is, the time has come for immediate change.

All Americans deserve better. All Americans must have better. Congress and the President must rise to the challenge to see to it that Americans get the affordable health care that they need.

Mr. Speaker, our Nation's health care delivery system needs major surgery and it would be a clear case of malpractice to defer treatment any longer.

Mr. WEISS. Mr. Speaker, the morass which characterizes our current health care system can be tolerated no longer. Most estimates indicate that roughly 37 million of our citizens have no health insurance whatsoever. This represents one of every eight Americans.

Incidentally, this population has grown by nearly 1 million a year under the Reagan and Bush administrations. Indeed, after increasing throughout the 1960's and 1970's, the percentage of the population with private health insurance coverage steadily and dramatically declined in the 1980's.

However, these numbing statistics don't tell the whole story. A full 63 million Americans—over 25 percent of the population—will lack medical protection for substantial periods of time as they move from job to job or in and out of the job market. Ironically, as we provide coverage to fewer and fewer people, health care expenditures have swelled to nearly $700 billion annually.

The time has come for a national health care system with comprehensive benefits and a strong preventive thrust which includes every American, regardless of income, resources or employment status. The Federal Government must join the chorus of voices proclaiming health care a nonnegotiable human need. The public already has spoken clearly on this issue. According to a June 28th poll conducted by the Wall Street Journal and NBC News, 69 percent of those polled, a majority of which categorized themselves as conservatives, supported adoption of a universal, Government-sponsored health care system.

What is called for is a national single-payer system that will guarantee affordable, accessible care for less than we presently spend. We have heard in recent weeks from various sources, the General Accounting Office and the Congressional Budget Office among them, that adopting a single-payer system would result in a net savings over what the Government currently spends every year on health care, and allow us also to do away with much of the administrative bureaucracy which now consumes such a large proportion of our Medicare and Medicaid budgets.

A recent GAO study of the Canadian health insurance system states that the "universal access, uniform payment system and expenditure controls" which have benefited that country so well, might be used to more equitably provide health care to the citizens of this country. If we are capable of leading the modern world in quality of medical care and technological innovation, then why should our ability to administer that care remain forever mired in the dark ages?

Of all the proposals before Congress to reform the present system, the most promising is H.R. 1300, the Universal Health Care Act of 1991, introduced by my good friend and esteemed colleague from Illinois, Congressman MARTY RUSSO. The Russo bill would save us billions of dollars by replacing private insurers with a single, publicly administered and publicly accountable plan. This single-plan system ends unnecessary paperwork, marketing, advertising, and other costs caused by the insurance industry. Perhaps the most welcome aspect of this measure, is its elimination of coinsurance and codeductible payments. The proposal also provides consumers with the freedom to choose their own doctors and hospitals while prohibiting providers from charging more than they receive from the Government.

By providing our Nation's young and old, healthy and sick, rich and poor with the health care they all deserve, the Universal Health Care Act patches the holes in our present swiss cheese-style health care system. I urge

my colleagues to support a single-payer system as outlined in H.R. 1300.

Mr. CONYERS. Mr. Speaker, I want to commend the distinguished gentleman from Illinois [Mr. RUSSO] for organizing this special order to discuss how best to reform our health care system. I also want to personally thank him for the leadership he has provided this body on the health care issue.

Mr. Speaker, our health care system is critically ill. Costs are skyrocketing. Every day more and more Americans are added to the rolls of the uninsured. Tens of millions don't know they are underinsured and only an illness away from bankruptcy. The issue before us today is not whether reform of the present system is needed—even President Bush and the American Medical Association have recently come to the conclusion that health care should be a right for all Americans. The issues are what type of reform will best insure all Americans, what type of reform will adequately contain costs, and what type of reform will maintain our high quality of care?

I believe the hands-down winner is a single-payer system, like that enjoyed by our Canadian neighbors to the north. I say this based not on idle speculation, but rather on the results of an objective and nonpartisan study I asked the ever-cautious General Accounting Office to conduct evaluating the Canadian system. I say this based on 4 days of hearings held by the Government Operations Committee, which I chair, at which we fully examined this report, and heard from all sides on the matter—Americans and Canadians, supporters and critics, consumers and providers.

Mr. Speaker, I'd like to use my time to note a few of the highlights from the exhaustive 18-month survey of the Canadian health care system conducted by the GAO.

First, Canadian health insurance is implemented through a network of provincial plans. As a condition of Federal funding, provincial plans must:

Provide universal coverage for all legal residents, regardless of income or health status;

Offer comprehensive coverage of all medically required services;

Not charge deductibles or copayments, or do extra billing, so that people aren't discouraged from getting costly care;

Allow portability between jobs and residences, so that health care is not dependent on your employer or your State; and

Publicly administer the plan on a nonprofit basis.

I want to make it very clear Mr. Speaker, that when we discuss the Canadian system we are not talking about socialized medicine. We are talking about Government-financed insurance for health care, just like we have a Government-financed pension system for retirement called Social Security.

Let me quote from the GAO report about the Canadian system:

> It does not have a socialized system of delivery medical care. Rather, most health resources in Canada are in the private sector.

Like our system, a third party pays the private and public providers—in their case the Government acts as the payer rather than insurance companies. Second, most physicians are independent and earn their incomes by fee-for-service, as American doctors do. Ninety-five percent of Canadian doctors work for themselves, not for the Government. Finally, 90 percent of hospitals are private, nonprofit corporations, exceptions being federally owned and operated veterans' hospitals and provincial psychiatric hospitals.

The most stunning finding of the GAO report is that if the United States were to adopt a Canadian-style, single-payer program, the savings from reduced administrative waste alone would be about $67 billion per year. That savings would be enough to pay for the 32 million Americans who currently lack health insurance and protect the tens of millions of underinsured, at no additional cost to society; I repeat, at no additional cost. Equally important, all extra charges, such as copayment and deductibles, could be eliminated for everyone else, again with no additional cost. Those without insurance would get security, low-income people would no longer be discouraged from getting the care they need because of exorbitant out-of-pocket costs, the middle class and elderly would be protected from the disaster of catastrophic illness.

More specifically, the GAO estimates the following short-run savings from reduced paperwork and additional costs under a single-payer system:

Savings in insurance overhead would be $34 billion.

Savings in hospital and physician administrative costs could be another $33 billion.

The cost of serving the newly insured would be about $18 billion.

The cost of providing additional services to those currently insured, stemming from the elimination of copayments and deductibles, could be about $46 billion.

The net impact, after transition and for the first full year of implementation, would be to reduce, I repeat reduce, national health spending by about $3 billion.

Mr. Speaker, no other health care proposal on the table can make such a claim—that it would reduce overall health care spending. The other proposals—the so-called play-or-pay employer mandates approach or tax credits—would all cost us tens of billions of dollars more because they won't get rid of the paperwork morass created by 1,200 insurance companies. This paperwork burden adds nothing of value to the system. As the senior vice president of the Henry Ford Hospital System in Detroit, the largest hospital in the metro area, testified before our committee:

> There may very well no longer be an important role for private insurance. It has become increasingly evident to purchasers and providers that the traditional role of the insurer as financier of large, rare and unpredictable expenses has become superfluous in health care.

The GAO also found that Canada has been much more successful than the United States in containing health care costs. In 1971, when Canada fully implemented its system, the countries spent about the same share of GNP on health care—7.4 percent in Canada and 7.5 percent in the United States In 1989, the United States share was 11.6 percent, whereas Canada's was 8.9 percent. That difference represents about $150 billion per year in additional health care costs in the United States, or 20 percent of total spending.

GAO found that cost containment in Canada is successful because the Government, acting as the single payer, oversees the financing system as a whole. With that power, administrative costs are much lower, and controls are able to be placed on hospital budgets, on the acquisition of high-technology equipment, and on physician services.

GAO further noted that:

Canada's per capita spending on insurance administration was only one-fifth that of the United States, in 1987.

In 1987, Canada spent 34 percent less per capita on physician services than did the United States, reflecting the use of negotiated fee schedules and lower practice expenses.

As with physicians, the single payer, universal coverage system permits Canadian hospitals to have far lower administrative costs than do their United States counterparts. In 1987, Canada spent 18 percent less per person for hospital services than did the United States.

Among the cost-containment measures used to control hospital spending, the prospective global budgeting system may be the most important.

Mr. Speaker, perhaps the most common criticism of the Canadian system is that millions of people would be waiting in lines to receive care, people would be dying in hospital hallways, and other grim tales. Such a description best describes America's current system where we ration by income, rather than what would result under a Canadian-style program in the United States.

Again let's turn to the findings of the GAO report. The GAO found that Canadians have few problems with access to primary care services. In fact, there are slightly more physicians per person in Canada than in the United States, Canadians use more physician services per person than we do, and they have longer hospital stays than Americans. Yet the cost of physician services per person in Canada was one-third less than in the United States.

The GAO commissioned a team of auditors and devoted one chapter in their study to analyze reports of queues for Canadian medical services. Their principal finding: Queues have developed for eight specialized services, but there are thousands of different services performed by physicians. They reported that these queues are very manageable—patients with immediate or life-threatening needs rarely wait for services; waiting lists for elective surgery and diagnostic procedures may be several months long.

Mr. Speaker, even this minor problem can be avoided here in the United States. No one is suggesting adopting everything about the Canadian system. More importantly, we are choking on excess capacity. Every hospital and doctor's group buys the best it can simply to compete against the other providers for business. It costs enormous sums of money to run this equipment, and countless unneeded tests are performed to pay for it. There is plenty of give and take under our current level of spending, which would not change under a single-payer system.

Mr. Speaker, for years now the insurance industry, the doctor's lobby and the drug companies have been spreading distortions and

telling outright lies about the Canadian system. They've taken out advertisements, appeared on news shows and talk shows, and spread their financial largess in the Halls of Congress. But the American people haven't been buying it. In the latest Wall Street Journal/NBC News poll in June, 69 percent said they support adoption of a Canadian-style system.

It is time to choose between the consumer's interest and the special interests; between a single-payer approach and an employer mandate plan.

Single payer offers universal and comprehensive coverage; employer mandates will leave millions uninsured and offers swiss cheese policies to the rest of us.

Single payer offers top-quality care to all Americans; employer mandates will create a two-tier system with the healthiest receiving private insurance and the sickest and most costly patients draining the public plan.

Single payer will reduce paperwork and save tens of billions of dollars; employer mandates will keep the system clogged with unneeded insurance forms and waste tens of billions of dollars.

Single payer brings all Americans together; employer mandates will pit the middle class against the poor, the healthy against the sick, the young against the old.

Single payer means people pay premiums to the Government; employer mandates means people pay the same premiums to line the pockets of the insurance industry.

Single payer offers freedom to choose the provider of your choice; employer mandates will let insurance companies tell you what doctor to see or whether they will pay for a procedure.

Single payer offers freedom to change jobs at will or move to a different State; employer mandates limits such mobility.

Very simply, single payer offers the chance to save money; employer mandates will add tens of billions of dollars to our already exorbitant health care costs.

Mr. Speaker, the choice is clear.

Additional findings of GAO's study of the Canadian system include:

Canada's lower rates for certain procedures do not conclusively represent underservicing, nor do United States rates conclusively reflect overprovision of services.

In Canada, the health program has broad popular support and all residents are covered by the program, but per capita spending is significantly less than in the United States.

In 1989, Canadian spending was $1,570 per person, with all people insured; in the United States it was $2,196 per person, with 32 million uninsured.

The average life expectancy of Canadian men and women is longer than in the United States, which is ranked 10th in the world. In 1986, life expectancy at birth was 73.1 years for a Canadian man compared to 71.3 years for an American man, and 79.9 years for a Canadian woman compared to 78.3 years for an American women.

The infant mortality rate in Canada also is lower than that of the United States, which is ranked 17th in the world. In 1987, the infant mortality rate in Canada was 7.3 deaths per 1,000 live births, compared to the United States rate of 10.1. In the mid-1980's, in the United States, 6.8 percent of all births were low birth weight, compared to 5.7 percent in Canada.

In a 1988 survey of United States and Canadian adults, 7.5 percent of Americans surveyed reported that they failed to receive needed medical care for financial reasons, compared to less than 1 percent of Canadians. The proportion that did not receive needed medical care for nonfinancial reasons (such as inability to get appointment or lack of transportation) was also higher in the United States than in Canada.

Private health insurance coverage is primarily a function of the individual's income and/or place of employment. However, employment does not guarantee coverage. Of the over 32 million Americans under age 65 that were uninsured in 1988, most were from families with a working adult.

The United States approach should borrow those concepts from Canada that work, like universal access, a uniform payment system, and some type of expenditure controls. But it should also build on the strengths of the current U.S. system by encouraging greater emphasis on managed care and retaining its superior management information systems. Through this approach the United States may be able to develop new solutions compatible with unique American needs.

Mr. ANNUNZIO. Mr. Speaker, at least 34 million Americans—nearly three-fourths of whom are from working families—cannot afford health insurance. Unless Congress undertakes reforms soon, millions more will surely join them.

America's health care systems needs major surgery to correct its runaway costs and its rapidly dwindling accessibility to working families. If enacted, H.R. 1300, will put America's health care system on the road to recovery.

Sponsored by my colleague from Chicago, Congressman MARTY RUSSO, H.R. 1300, calls for the adoption of a federally funded, "single-payer" health care system to be administered by the States and the U.S. Government.

The key advantage of this bill is that it will provide a strong dose of fiscal medicine in the form of cuts in administrative costs now assumed by more than 1,500 separate insurance companies. With H.R. 1300, Americans won't need to spend billions of dollars on health care marketing, bill processing, and other hallmarks of our existing system. A recently released study from the General Accounting Office estimates that the elimination of this bureaucracy would save at least $40 billion annually. Estimates vary, but that savings would go a long way toward covering the cost of providing every American with health insurance.

In addition to the savings earned by cutting the health bureaucracy, H.R. 1300 would put the brakes on health care spending with provisions calling for yearly, set fees for doctors and annual budgets for hospitals.

But beyond the need to reform this system so that middle-income Americans can afford it, our economic health may hinge on our ability to keep health care costs from draining our financial life blood. Americans now spend at least 12 percent of our $5 trillion yearly output of goods and services on health care. That percentage is already higher than that of any industrial country, and it could mushroom to as much as 37 percent of our gross national product by the year 2030, according to the President's budget chief. Clearly, then, even those who prefer today's health care system can see that its skyrocking costs are threatening our economic future.

Given the crisis we are confronting, Mr. Speaker, it is unconscionable that anyone would try to stall consideration of H.R. 1300. I urge my colleagues to make health care reform a priority so that we can move H.R. 1300 through the hearing process as quickly as possible and bring it to the floor for consideration.

The time has come to stop wringing our hands over America's health care crisis and start doing something about it. In H.R. 1300, Congress has a comprehensive, equitable, practical, affordable plan for putting our Nation's ailing health care system on the road to recovery. Prompt action is needed before more working families lose their health benefits, and risk losing everything they've earned to pay for a serious illness or injury.

Mr. LIPINSKI. Mr. Speaker, as stated in the preamble, the Constitution was established to promote the general welfare of we the people of the United States. Although health care is not specifically mentioned, it seems to me that in the spirit of the Constitution the general welfare of the people includes ensuring that each and every American receives health care. However, it is clear that not every American is receiving adequate health care, and as long as children are denied pediatric care, pregnant mothers are denied prenatal care, families are devastated by unexpected health care costs, and the elderly are denied long-term care, the general welfare of America and Americans is not being promoted.

Statistics illustrate the magnitude of the problem—37 million Americans are uninsured, and 60 million Americans are underinsured. Although we spend twice as much per capita on health care than any industrialized country in the world, we rank 13th in life expectancy and 22d in infant mortality. The problem of health care access affects all Americans whether they are rich or poor, black or white, old or young, employed or unemployed. It is not limited to one class or race of people, for every day Americans face health care related crises, and every day Americans do not have the insurance or financial ability to access quality care. Many people are only a pink-slip away from being uninsured while others work for small businesses which cannot afford to provide health care for their employees; senior citizens are constantly confronting the need for affordable long-term care while insurance companies pick and choose what they will and will not cover. How do any of us know what our future health care needs might entail? Clearly, until our patchwork system of health care and health insurance is reformed, these needs will not be met.

I will not stand by and continue to let the welfare of the American people be threatened. As trends suggest, if we do not reform our health care system, the numbers of uninsured will grow and rising costs of delivering health care will continue. This not only affects individuals but also the well-being of our economy. It has been projected that if we continue in the

current direction eventually our health care system could economically bankrupt our country. Fortunately, a recent GAO study of the Canadian Health Insurance System shows us that a single-payer system could curb this trend and create a system that promotes the public welfare and health of the American people.

According to the GAO report, implementing a system similar to Canada's would address our two biggest deficiencies in health care—the lack of universal coverage and access and the need for centralized financial controls—and it would eliminate these deficiencies while meeting the unique needs of America. For instance, while Americans regardless of health, age, or financial situation would receive comprehensive and quality care, they would also have the freedom to choose their own physician or source of care. And while the Federal Government would be the source of the national health insurance program and funds, the States would be responsible for implementation so that local needs would be met. In other words, the welfare of the population and the economy would improve without compromising the values and freedoms of the American people.

Furthermore, a national program would decrease the amount of waste now rampant in the health care system. In addition to the public insurance plans, Medicare and Medicaid, 1,500 private health insurers sell thousands of different health insurance policies. It is not surprising, then, that administrative costs have skyrocketed. Due to the large number of insurers, complex billing practices are unavoidable, and coupled with the need for advertising, marketing, claims reviewers and processors, billing clerks and collection agencies, the cost of administration is one-quarter of all health costs. The GAO estimates that $67 billion per year could be saved by reducing and simplifying the administrative process. Unfortunately, competition has not succeeded in providing incentive for providers to compete on the basis of efficiency or quality but has succeeded in inflating costs and increasing waste. A national health care plan, by creating a single-payer, publicly administered health care system without copayments, deductibles, or cost-sharing, would succeed in saving billions of dollars in administrative costs which could be used to provide access and care to all those who are uninsured or underinsured.

Instead of individually reforming or improving our existing and fragmented health care system, we must overhaul the existing system and incorporate changes that have proved effective in many other countries. Only in this way will we guarantee access and quality care that all Americans deserve. Our health care system is ailing, and the prognosis for the future is dire unless some fundamental changes occur. I believe, however, a national health care system would provide the cure.

Mr. HAYES of Illinois. Mr. Speaker, before I begin addressing the issue of the U.S. health care system, I would like to thank my colleague Representative MARTY RUSSO for having the courage to take the lead on this issue. The health care system in this country is in disarray. Today there are approximately 37 million uninsured or underinsured Americans made up of: Twenty-four million working Americans and their families, 5 million uninsurable persons, some of who are employed, and 7 million indigent Americans whose income is below poverty level, but who lack coverage by the Medicaid system—a system which provides assistance to only about 37 percent of the country's poor. Our system is not getting better and every year, according to the Labor Department, 1 million people lose their health insurance coverage.

This problem is significant when you recognize that these numbers represent 30 percent of the U.S. population, and underscores the urgency for this country to establish a universal health plan. It seems the longer we take to pass legislation that remedies the problem, millions more of innocent people will suffer.

Nearly everyone in this country agrees that America's troubled health care system requires substantial reform. I understand the difficulty in reaching a democratic consensus on this volatile issue; however, the problem is that caught in the middle of all this political maneuvering are 37 million Americans who could care less about the politics of health care—they are only concerned about accessing adequate health care. When citizens of 10 developed countries were recently polled by Louis Harris and Associates, Americans were by far the least satisfied with their health care: Sixty percent said they thought that the U.S. system needed a fundamental overhaul. Having traveled throughout the world, I must point out that among developed nations only the United States and South Africa have not implemented universal access to health care. Being in the same company as the repressive nation of South Africa is something that I, as an African-American, am not proud of nor should any citizen. By reforming our health care system, we can enhance the quality of so many American's lives.

In the area of cost, it is estimated that we spend in excess of $600 billion a year on health care, yet lag substantially in access to care, as well as the quality of care. A great deal of this is due to the high cost of health care. The exorbitant cost affects employers because of the increasing premiums, as well as the individual seeking coverage. Employers paid 21.6 percent more for health benefits in 1990 than they did in the previous year. This increase has trickled down to the employees who are reaching into their pockets to make up the difference for essential health care services.

I believe that everyone should have access to decent and affordable health care. That is why I have been an ongoing supporter of establishing a national health care policy. Now is the time for us to resolve this problem because if we do not produce a workable solution, the quality of life for all of us will suffer. There are several pieces of health care legislation pending in this Congress. However, there is one major piece of legislation, H.R. 1300, the Universal Health Care Plan, of which I am a cosponsor, that addresses the problems of health care in this country. Under this legislation the Federal Government would provide health insurance for all U.S. citizens. While this proposal does not attempt to answer every detail, it is intended as a framework for how a national health care program should be structured. It is time for our Nation to resolve the inequities for our health care system and make the health of the American people our first national priority.

AFFORDABLE HEALTH CARE FOR AMERICANS

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

Mr. MILLER of California. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHEUER], so that we might continue this special order on H.R. 1300.

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

Mr. Speaker, we are wasting perhaps upwards of $100 billion a year on the world's most chaotic, wasteful, aberrational health care system.

Now, maybe we have a right to do it to ourselves, appalling as the costs are, but I suggest that if in the course of giving the Russians emergency food aid for this coming winter, if we stipulated as a condition of that they had to adopt our health care system, there would be an absolute explosion of bitter criticism from the civil rights world, and they would characterize that condition as a despicable act of cruelty and oppression.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for his remarks, and I want to thank everybody who participated tonight; but I want to make a point again, that what is currently being defended in terms of the status quo of health care in this country really is a nonsystem. This is not a system that allows for the comprehensive care when needed to many, many Americans. Rather, what we have is essentially a nonsystem where your access to health care, the affordability of health care, is becoming much more of a lottery for millions of American families. They can be denied health care, not because they do not need it, but because they have lost their jobs. They can be denied health care, not because they do not need it, but because they have a preexisting condition. They can be denied health care because they do not have the right kind of jobs, because they do not have a large enough employer, a wealthy enough employer, or a compassionate employer.

You need not offer health care in this country to your employees, but if you are not an employee, it becomes incredibly expensive and prohibitive for many, many Americans, people as the gentlewoman from California [Ms. PELOSI] has pointed out who are self-employed, who run single proprietorships, find out they belong to no group. They have no ability to get the benefits of group coverage. If you are a young student and you used to be on your parents health insurance coverage, but now you have turned 23 and

Blue Cross drops you and you are out of school so you cannot take advantage of getting it through the university or the college, then you are by yourself again and that health care coverage is prohibitive in terms of your ability to pay for it.

So what we find is that we have a system that is created for 37 to maybe 40 million Americans, a system in which they are uninsured, without coverage of underinsured. Many of those are children; through no fault of their own this system will not provide them coverage. Many of them are individuals who go to work every day all year long and still are not able to provide health care coverage.

Now, the notion is somehow that we are not paying for those people, but the fact is, as I think the gentleman from Illinois found out in the research for this legislation, we are paying those costs. That is the 12 percent of the gross national product, the person who is uninsured and shows up at a county hospital in an emergency room because they could not be seen maybe 1 or 2 weeks before when they had a cold and now they are here with pneumonia, the person who comes into the trauma center because there is no other point of access.

What we are really doing is designing a system where more and more people are entering that system at the most expensive point of entry, through the emergency room in a county hospital or another kind of hospital, public or private hospital, when in fact we could have provided preventive care, diagnostic care to treat that illness or that trauma at a much lower threshold.

So I think we have got to understand as part of this debate that essentially this system can no longer be defended. That is not to say that this is about bad doctors, bad technology, bad delivery. That is not it. We have wonderful doctors, wonderful medical staffs, great nurses, great technology, wonderful facilities. This is a debate about the access to that system and about the affordability of that system so that people can in fact share in that system as part of being a citizen of this country, a resident of this country, one of the rights of living and the privilege of living in America.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. RUSSO].

Mr. RUSSO. Mr. Speaker, as the gentleman knows, we have what is known as a lot of uncompensated care, poor people who do not have any coverage, who go in and the hospitals and doctors take care of them. They do not get paid for it.

Why do you think we have not only the most costly system, but a system that shifts costs? It shifts costs to third party payers, so when you get your hospital bill and you wonder why the aspirin you got, two aspirins cost you $5 on your bill, is because you are paying for a lot of people who come in to the emergency room, who come in to the hospital and do not have any health care insurance. You are paying for it. We are paying for it. We are paying for the entire system. And what do we have? We have a system that denies access, that puts roadblocks in the way of medical care, and it costs more money than any other health care system in the world. We can give universal coverage to all Americans of a comprehensive benefit that will cover physician care, hospital care, dental care, vision care, mental health, prescription drugs, long-term care for all Americans, and stress preventive medicine.

We do not do preventive medicine. The gentleman knows as a former chairman of the Select Committee on Children and Families, for every $1 that we spend on the Women's, Infants, and Children's Care Program, we saved the Federal Government $3.60 because instead of having a low-birth-weight baby born with major defects, we do not have that happen. We have healthy babies born.

If you have preventive care where we get people in to see their doctors early, they will take care of the problem early on. We have a current system that does not reimburse for preventive care. We would have a much healthier society if people were able to go see their doctors more often when they needed to.

The Canadians see their doctors almost twice as much as Americans do. They do it for 40 percent less per capita than we do, and they have better health care statistics than the United States.

Mr. MILLER of California. Well, what the gentleman is describing is the fact that H.R. 1300 puts the emphasis on preventive care, getting to a family, getting to an individual early on when it is cheaper and easier to take care of that individual, so if the gentleman is telling me that the Canadians are engaging their health care system—what did the gentleman say?

Mr. RUSSO. Almost twice as often.

Mr. MILLER of California. Almost twice as often as Americans are, and yet the Americans are constructing a system that every time you renew your policy, they set up a new barrier. On the back of your Blue Cross card now you have an 800 number that if you do not call that number before you go to the hospital, they are going to assess you an additional $500, and yet the gentleman is telling me that the Canadians are seeing their doctors in hospitals twice as often, and they are doing it cheaper.

I mean, there is something that deserves to be dramatically reexamined about the defense of this current system with respect to costs to businesses, to individuals, to families, and its accessibility. It simply is not working.

Mr. RUSSO. Even the insurance industry will admit that they need major reforms.

The problem that I see here is that we have the most costly system, and a system that goes out of its way to deny access. That is not the way the American system ought to be set up.

It would be one thing if somebody said it was going to cost more and more dollars to do it, but even the GAO study and the Himmelstein study if you split the difference between the two of them of $80 billion we would save from administrative costs, that money could be put back into the system and you could give long-term care to our seniors. You could give long-term care to disabled individuals.

One of the real tough problems that we have that the so-called sandwich generation has to deal with today is that if they have parents who need long-term care, do they deprive their children of a college education? Do they have to mortgage their house in order to take care of their parents?

□ 1930

And how do the parents feel? They have to lose their dignity. All the money that they have saved, the home that they built, they have to spend down to zero before the Government will step in and say, "Yes, now we will give you long-term care, now that you lose your dignity, now that you have no money left, now that you are destitute, now in this moment we will step in and give you long-term care." That is absolutely ridiculous.

Look at the pain on the faces of the young people today who are worried about, "Can I take care of my parents, can I take care of myself? Will I be able to take care of my children when they need help?"

This is for a system where we can do all of this for less money.

For the sake of argument, let us say it will cost us slightly more money, just like every other plan that has been introduced. Let us assume for argument's sake that that would happen. Now, even if it costs more money, you would give the most comprehensive benefit program to all Americans, all Americans would get it. There would be one benefit. There would not be all of these eligibility requirements. There would not be all these forms that you would have to fill out. You do not have to worry about have you met this code or that code or check off on this code to see if everything was right. Doctors are spending more time trying to collect money than being doctors. They would rather be doctors than collection agencies.

This system sets up a program where all you do is spend your time filling out forms and shuffling papers. What do insurance companies do also? They spend time with studies trying to figure out which groups are the best

groups to insure because they do not want sick people insured, they only want healthy people because that is the only way that they can make money.

That is the system we have today. We have a system that sets up roadblocks and denies access for $80 billion a year. If we do not do anything between now and the year 2000, we will be spending over 15 percent of our gross national product, $2 trillion; $2 trillion a year on health care, and we will be denying more and more people access. That is what is happening in America. We are denying people the ability to get health care in this country even though we spend more than anybody else.

Mr. Speaker, it is the wrong direction. The public should not stand for it, and it should demand that Members of Congress give them a national health care today, not 10 years from now.

I thank the gentleman for yielding.

Mr. MILLER of California. Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank both of the gentlemen for yielding. In the course of his remarks, my colleague talked about uncompensated care and who pays for that, both of my colleagues did, in fact, refer to that.

It is interesting, I think, in the course of this debate in the years leading up to the debate before us now that at first big business in America was opposed to any mandatory benefits or any kind of a health, universal access plan. Then they saw that big business, in order to attract employees, began providing health care to their employees. Their employees were the ones who were insured, and when they went to the hospital they found, as the gentleman indicated, that the insurance company was paying not only for their employee to be treated but also for uncompensated care, maybe 100 percent of another person who came in off the street, and a certain percentage of Medicare and Medicaid patients from whom the hospital did not receive a full compensation.

So we see a change. We see big business saying, "Hey, wait a minute. We are the major payers of insurance in this country, paying for benefits for our own employees," and then you know the statistics about insurance, Blue Cross being one of the major purveyors to the auto industry in Detroit because of the cost of health insurance to provide health insurance to workers there. But anyway big business then all of a sudden began to encourage a look into this for a solution.

Small business, on the other hand, began to say, "Well, big business, they all provide health insurance. Now, if 1 person out of 1,000 or 10 people out of 1,000 get sick, with big business it still does not affect their premiums the way it would if 1 person out of 20 in a small business became ill and the impact on the premiums proved to be great."

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

Mr. RUSSO. Big business has found out that no matter what they have done, no matter how much they tried to contain costs, they are unable to do so because of the amount of administrative waste we have to deal with. The average cost to big business is about 12 percent of payroll. Under my legislation they will be paying 7.5 percent of payroll. For what?

Not for some small program, but a comprehensive program. We have found even in our own health care system in the Federal Government, we are paying more today for less coverage. Continually every year they cut back on health care benefits for all Americans and increase their premiums. Meanwhile, what is happening? We are having the worst health care statistics, we are getting worse, not better. The Canadians live 2 years longer than we do, instead of us living 2 years longer than them. So, if it is a question of spending money, we spend the money. Nobody spends what we spend, pretty close to $2,700 per capita. The Canadians, who have the second most expensive system, spend about $1,700 or $1,800 per capita.

Now, what I am trying to do, what we are all trying to do under the single-payer program, is to simplify the system, make it efficient, contain costs, and give quality health care to all Americans.

All you have to do, as the gentlewoman from California knows, you will have something like a little credit card such as this, and it says, "Health security identification card."

You would then walk in to the doctor, and you would hand the doctor your credit card. You would say, "I don't feel good, I have a sore throat. Take care of me." Or whatever it is. If you go to a hospital, you go to the emergency room, and you just hand them a credit card. That is all you do under H.R. 1300. You do not have to fill out another form, you do not have to worry about whether or not you are eligible, whether you come under code Z or code X or 205 or section 102. You are covered.

Everyone is treated the same. It is a completely comprehensive benefit that every American is entitled to. They get it, and all they do is walk in and get taken care of.

What happens? One little form is filled out. It is sent to the State intermediary, who checks the form and then sends it to the Federal Government. Every 30 days the Federal Government pays.

You know, one of the criticisms, as the gentlewoman knows, is that the Government cannot do it. "Look at how much waste there is in the Government." Well, it happens that in the health care field we are very good. Now, that may surprise people. But as a percentage of premiums collected under Medicare, the administrative costs of the Federal Government is 2.5 percent. Private insurers are 12 percent.

So the Federal Government knows how to do it better than the private sector because, as the private sector has it today, they are the ones who are running up the administrative costs.

In Social Security, we do like 1 percent of administrative costs.

So the bottom line is I have never heard anyone say that they do not want to continue Medicare, they just want more benefits under Medicare. I have never heard anyone say eliminate the Social Security Administration; they just want more dollars from Social Security.

So in those critical areas the Federal Government does an excellent job, better than the private sector.

So to say that "the Government cannot do it, will not be able to do it, we'll squander our money," they forget who rips off the Federal Government. When they talk about fraud in the Federal Government, is it the Federal Government ripping off the Federal Government? No, it is the contractors, the defense contractors who are ripping off the Federal Government.

When we have fraud and abuse in the Housing Department, it is not the Federal Government ripping off the American people; it is the people doing business with the Federal Government.

So, in a situation like Medicare and in a situation like the single-payer provision that we have here, the Federal Government will have greater control; it will be able to ferret out more and more fraud and abuse, if it exists, because they are the only payer.

So the one thing the Federal Government does well is it prints money and writes checks. Under this system, single payer, once we establish the eligibility requirement, which is that everyone is eligible, and which is comprehensive, the only thing that the Federal Government needs to do is to cut a check. We do it every month, and on time.

Mr. MILLER of California. Mr. Speaker, I yield to the gentlewomen from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, the gentleman brings up a point that was raised by my constituents. That is, can the Federal Government be the single payer? Can it do it efficiently? And they cite some of the recent S&L debacles and so forth. I would point out to them, as has probably been pointed out in this debate earlier this evening, that it is when the Government does not play the role, when there is deregulation and Government's hands are tied by lack of personnel, talented personnel to examine and scrutinize the functions that Government falls back. But

when the Government plans ahead, as it did with Medicare and Social Security, it does its job very well.

Actually, perhaps we should have gone further in those days and gone right on to universal access to health care. When there was Social Security, the next step Medicare, the next step would have been that.

I want to put it in just a little different perspective historically, and that is that this idea that the gentleman is putting forth that all Americans should be entitled to quality health care sounds drastic compared to what we have now. And when you look at these other Western democracies, and Canada has been referenced a number of times, so we have that example; we look to Germany, and I cannot think of him as a liberal but an advocate for health care reform was Bismarck in Prussia. He began the foundation of universal access to health care in Germany, and the system that exists today there was built on that over 100 years ago.

□ 1940

It was at the turn of the century in England when their system was introduced. I say this, not to say that we are going to have a system like Canada's, Germany's, or England's, Great Britain's. Perhaps it will more closely resemble our Western Hemisphere neighbor, Canada, but our system and this single-payer proposal will be an all-American proposal. It will be in harmony with our past, in that it will provide quality health care and choice to Americans which they are used to, but it will be an improvement on the past in that it will do so in a very cost-effective way and all the ways this gentleman mentioned in terms of cutting administrative costs and having doctors be physicians rather than accountants and collection agencies.

The other point that my colleague, the gentleman from California [Mr. MILLER], brought up about how important it is, the strength of our country; well, some people like to define the strength of our country in our military might and our weapons of destruction. But the health of our country, the strength of our country really relates more to the health and well-being of our population, and this is the way it should be measured first and foremost.

In a practical way it really relates directly to American competitiveness, what we can learn from Western democracies who know that the well-being of the work force is crucial to competitiveness, and the well-being of the work force relates to removing this menace of health care, whether it is a business that provides health care, but it is an issue on the table in every labor negotiation when we should really be talking about wages and other benefits rather than health care. This is something that can be removed from the table; the menace is no longer there. People know that their worth is recognized in the work force of a particular company throughout the country, and that, I think, will contribute immeasurably to American competitiveness as we value the human resources involved here.

Mr. Speaker, I would also like to address something which the gentleman was talking about earlier, the way people can take advantage of the system. If seniors, for example, would use the system very much because of age, et cetera. It has been indicated many times that this is, in fact, not going to affect the cost. It is still better in the long run to have people in early, to address their needs earlier, so that it does not turn into something more serious later.

One final point I would like to make is that somebody also mentioned that only wealthy Americans do OK under the present system because any one of us is one illness away from bankruptcy. But let me tell my colleagues what I know about wealthy Americans. They like to protect their assets. They are not looking to be spending it on health care when they believe their insurance should be covering it. So, they have even more reason to want something like universal access to quality health care so that, when they are ill, they have even more to lose financially because they have more money to be brought down.

In any case, democracy is about not only freely electing representatives. It is about citizen participation and formation of policy, and the gentleman so rightly said earlier that this is not going to happen unless the American people speak out. The mobilization that has to take place to make this change happen in an all-American way, the way that people want, is very important, and I join with the gentleman in calling upon constituents throughout the country to call and write their Members of Congress and the White House to say that they support the single payer, they support the Russo bill, and that this could be the centerpiece of the debate. And let us improve upon it or modify it in order to make it workable, if in fact that is the complaint. I think it is an excellent bill as it is. Again I commend the gentleman for his leadership in putting it forth, and I thank him again on behalf of my constituents.

Mr. RUSSO. Mr. Speaker, I just want to just deal with the question of government because I think the gentlewoman from California [Ms. PELOSI] is absolutely right. We have been living in the last 10 years, through the last two administrations, under a theory that less government was better for America. The less the Government got involved in our lives, the better off the country was. And so we have this philosophy of getting rid of government: "Don't let it get involved."

And what do we have? We have the EPA scandal because the Government was not watching the people who were pouring pollutants and toxins because it was some kind of a sweetheart deal. We have the HUD scandal because Government did not watch how the contracts were being let. They did not keep an eye on it. They just said, "Go ahead and do what you want. Let the private sector decide, and that will be better for America."

So, we had a major HUD scandal, and then we have the famous S&L scandal. What happened? We deregulated, but nobody believed that we would eliminate all the inspectors and examiners to keep an eye on what the State regulators were doing, which was nothing. So, again less government. At least, if we are going to deregulate, we at least want to inspect to make sure that they are doing their job, even though we are going to have a lot of regulations. We want to make sure that somebody is watching the chicken coop when the foxes are standing outside. And then we have the Department of Defense scandals and all the different problems we have with the $500 hammer and $700 toilet seats. All those scandals; why? Because Government was not doing its job, but that is the philosophy of the last two Republican administrations. That is their philosophy. That is what has given us the kind of scandals that we have.

So, when they say government cannot do it, well, we have not had government working for us over the last 10 years. It has been a lack of government that has given us the greater scandals, some of the greatest scandals in the history of our country, and now the banks have a problem, and the insurance companies may be after them. We have a problem on Wall Street. All this has happened in this mentality of less government.

So, I think we need government. I think government plays an important role, and I think in this field government would be an excellent choice because it does have a great track record.

Let me just conclude with one last story, that in being interviewed on one of the TV program, prior to the interview the interviewer was a Canadian and said to me, "I have to tell you something. I have to tell you a story that basically to me tells the whole story about the American system."

Mr. Speaker, his mother had just suffered a stroke several months earlier, and his sister had called him and told him, "Mom has just suffered a stroke, and she is pretty much incapacitated, so we have to find a place to put her," and they were talking about was it better to put her in Ontario or put her a little closer to New York. He spent his time in New York, and they were going through all these different conversa-

tions about where they should put Mom.

He said, "You know the difference between the United States and Canada? In the United States you would be asking yourself the question of how much it would cost to help Mom."

Note: A question of where. Can I afford to institutionalize her where she would get the best quality care? In Canada they never thought about it. His only thought was: "Where can I put her?" He does not worry about the cost. The cost factor never entered his mind.

So, here we have a system that only stresses how much it is going to cost us, how much premiums are, how much our deductibles are, how much our copayments are. We are all driven by how much it is going to cost us, and here, if we put in a single payer system, we will never have to worry about costs any more because we spend more than enough money. We are still going to spend 11½ percent of GNP under the Russo plan under H.R. 1300. We are still going to spend. We are not trying to ratchet it down to 8 percent of GNP. There will be more than enough money to deal with the technology, advancements we need to have, more than enough money to deal with the hospital beds and the physicians that we are going to need.

What I am trying to do is get the doctor back into making decisions, not some insurance bureaucrat to decide on the other end of the phone whether or not you should have this operation and under what conditions you should have the operation. I want the doctor to tell me. That is what he is trained to do.

So, Mr. Speaker, that is what H.R. 1300 is, and we are beginning debate. We are starting a debate on where this country goes on health care reform. Do we continue the old system and try to fix it? Eighty-nine percent of Americans say, "No, give us a comprehensive reform." Do we do some partial solutions? Employer mandates? Play-or-pay? Do we move slowly? I think that is wrong. I think we need to look at all the options, and I think single payer is the best option for the American people. It gives them a comprehensive program for all Americans for less money than we spend today.

So, if we are going to begin a debate, we need to have the public's participation in the debate. The American people are going to have to participate. They are going to have to write their Congressman, write their Senator, write the President, all our offices, get involved, demand from their elected representatives national health care. It is only going to happen that way. So I appreciate the gentleman extending this debate on national health care, and I thank him for yielding this time to me.

□ 1950

Mr. MILLER of California. I want to thank the gentleman for initiating this debate, for introducing this legislation, and for making sure that this Congress will have the option.

I must reiterate the last point made by the gentleman from Illinois [Mr. RUSSO] and the gentlewoman from California [Ms. PELOSI], that this debate is really going to be up to the public. For those who have watched this special order, for those who have expressed concern about the health care system in this country, for those who have received notice that they are no longer going to be insured by their health insurer, for those who have been told that services that were provided last year are not going to be available this year, for those who have had their premiums increased year after year while the services covered have gone down and been limited, they have got to get involved in this debate.

All too often people are intimidated about approaching a Member of Congress and saying what is on their mind. They have got to come to understand that there is going to be a huge lobby in this town of doctors and health insurance companies, as well as other insurance companies, whole associations of people that will not want this Congress to provide comprehensive health care.

The only lobby that is going to counteract that are the people of this country. If the polls are correct and 70 percent, 80 percent of the people in this country, as high as 90 percent of the people say they want major reform, if the polls are correct about the overwhelming majority of people who want comprehensive health care, a national health care bill along the lines of H.R. 1300, then those people had better write their Member of Congress.

It is not complicated. Simply tell your Member of Congress that you want them to support H.R. 1300. If you cannot remember the number, remember the name, you want the Russo bill. You want comprehensive health care for you and your families.

Legislation all too often is very much like a sophisticated pro football game. The plays look very complicated, but when you go back to the instant replays, you see it was very simple. It was about blocking and tackling, it was about running the prescribed routes or not running the prescribed routes by a receiver, about throwing the ball on target. Legislation is the same. It is about writing, it is about calling legislators, it is about expressing your desires, in this case, about the need for national health care.

If the people in this country miss this opportunity over the coming months to participate in this debate, then in fact this question will be resolved in the continuation of the status quo that is pricing people out of health care coverage, leaving them with no coverage at all, and providing inadequate coverage to those who can afford it. That cannot be how America enters the worldwide economic marketplace, trying to put together a competitive work force, to improve the health of its children, to improve the health of their families.

The very best opportunity we have is if people understand what is at stake with H.R. 1300, what is at stake with the passage of the Russo bill. Because then we can enter the next century with a healthy work force, with healthy families, with healthy schoolchildren, and we can do it for the same amount of money that we are spending today. But we can do it for all Americans in a rational, well-organized system.

I want to thank the gentleman for initiating this debate. This will not be the last special order. Many Members are coauthors of this legislation, and we will be giving them the opportunity to speak on behalf of the Russo bill and H.R. 1300.

THE SAMOAN FOOTBALL PLAYERS IN THE NATIONAL FOOTBALL LEAGUE

The SPEAKER pro tempore (Mr. DOOLEY). Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, during a recent game between the San Francisco 49'ers and the San Diego Chargers, one of the television announcers covering the game commented on the increasing number of Samoans playing in the National Football League. His comments were in reference to Jessie Sapolu, offensive center for the 49'ers, and Junior Seau, middle linebacker for the Chargers.

These two fine athletes, along with others whose names and affiliations I would like to share with my colleagues and the entire Nation, trace their heritage to a small group of islands in the South Pacific known as the Samoan Islands.

Mr. Speaker, I have had the unfortunate experience of having to give lessons on geography to many of my fellow Americans as to the location of the Samoan Islands. Oftentimes I have had to draw maps and lines to indicate that the Samoan Islands are situated approximately 2,500 miles almost directly south of the great State of Hawaii.

The Samoan people are a part of the Polynesian race whose ancestors voyaged and established settlements that stretched from as far north as Hawaii, portions of Micronesia, and as far south as New Zealand or Aotearoa, and as far east as the Easter Islands or traditionally known even today as Rapanui.

Mr. Speaker, the TV announcer was absolutely correct when he said that American Samoa, on a per capita basis, probably has more football players in the NFL than any other town or city of comparable size in the United States or anywhere else in the world with a population of approximately 50,000 in the territory and approximately 100,000 in the United States. The 11 NFL professional football players, means that on a ratio basis, there is one Samoan NFL player for every 15,000 Samoans in the United States.

Mr. Speaker, I would like to pay tribute to these young men who are a source of pride and inspiration for all the people not only for Samoa, but for all Americans.

In alphabetical order we start with the one with the most Samoan name—No. 88 of the Chicago Bears, Glen Kozlowski.

Glen started his football career at Carlsbad High School in California then went on to play wide receiver at Brigham Young University. In 1990, he led the Bears' special teams squad with 23 tackles for the second straight year.

He has also been the club's fifth receiver since 1989 and has been credited with an average of 20 yards per reception. Glen's older brother Mike Kozlowski played safety for the Miami Dolphins from 1979 to 1986.

Al Noga, born in American Samoa in 1965, started all 16 games as a defensive tackle with the Minnesota Vikings last season and finished fourth in quarterback sacks.

During the last season he was named the defensive player of the week for his play against the Green Bay Packers when he recorded three solo tackles, three assists, a sack, and forced a fumble which he recovered in the end zone for a touchdown.

Drafted in 1988, Al Noga made All-American during his last 2 years at the University of Hawaii where he still holds the school career record for the total number of 33 quarterback sacks in a single season.

Noga was the first player from the University of Hawaii to earn the Associated Press' All-America and all conference—as well as the Western Athletic Conference defensive player of the year in 1986.

Al's older brother, Falaniko Noga, is a solid member of the Detroit Lions defense. A 6 foot 1 inch, 235 pound linebacker, Niko is also the spirited leader of the Lions special teams. He was named 1990 MVP by the team and led the Lions with the most number of unassisted tackles during the last sason. Prior to joining the Lions in 1989, Niko was a middle linebacker for the Phoenix Cardinals.

In 1988, he finished the season second in unassisted tackles. Niko can play linebacker, defensive end or tackle. So far, his career consists of 350 unassisted tackles and is often double teamed by most opponents.

Like his brother Al, Niko was the first freshman to earn All-Western Athletic Conference Player of the Year from the University of Hawaii. Their older brother Peter, also played for the Cardinals and the Colts.

Pio Sagapolutele was born in American Samoa in 1969. Upon graduation from Maryknoll High School in Hawaii, Sagapolutele was recruited and received a scholarship from San Diego State University.

He was a 3-year starter for the Aztecs and played in the Hula Bowl during his senior year. While at San Diego, he was awarded the Byron H. Chase Memorial Trophy, given annually to San Diego State's top defensive lineman as a senior.

Sagapolutele graduated earlier this year and was picked up as a defensive lineman for the Cleveland Browns. In years to come, I expect that Pio will be a holy terror, not only for the opposing team, but also for the announcers attempting to pronounce his name.

Dan Saleaumua, was an unknown plan B free agent picked up by the Kansas City Chiefs on the seventh round in 1987. According to a press release from the Chiefs, Saleaumua, the current starting nose tackle, is regarded as the finest plan B acquisition they have ever had. He is recognized as one of the NFL's finest interior lineman in just 1½ years as a starting nose tackle.

According to the Phoenix Sun:

> Saleaumua is an aggresive, hard-nosed player who has deceptive quickness. In 2 years with the Chiefs, he leads Kansas City with 161 tackles and has a nose for the ball as evidenced by his 11 fumble recoveries during the past two seasons.

During the last season, Saleaumua proved his 1989 season was not a fluke by earning first time all-NFL honors from Sports Illustrated' and Pro Football Weekly. In 1990, Saleaumua ranked third in the entire NFL for the most number of tackles, and second for fumble recoveries.

Saleaumua was a 4-year letterman at Arizona State, where he registered 190 tackles during his college career.

"The hub of the 49'ers offensive front wall" is what the San Francisco Chronicle called Jessie Sapolu, center for the San Francisco 49'ers. Since being drafted by the 49'ers in 1983, Jessie has earned his spot as the leader of the offensive line. In a recent TV interview, quarterback Joe Montana said:

> The success of any quarterback depends on the protection he gets from the offensive line. For the 49'ers, Jessie Sapolu controls that line—and that, is the key to winning or losing.

Prior to current position, Sapolu played offensive left guard, a position he took over from veteran Guy McIntyre. Like most other Samoan players in the NFL today, Sapolu was drafted out of the University of Hawaii where he played 3 years as a guard before moving to center. He was captain of the team during his senior year—a position he also held years before while attending Farrington High School, also in Hawaii.

Sapolu was born in 1951 in Apia, western Samoa.

Born Tiaina Seau Jr., Junior Seau is one of the awesome players recruited to rebuild the San Diego Chargers during the past 2 years. Starting in 1990, Seau quickly earned a starting position with the Chargers and was named to the 1990 all rookie team by Football News.

During his first year, Seau progressed quickly and blossomed during the second half of 1990. According to the Chargers, Seau, a first round draft pick, has demonstrated incredible athletic ability:

> He has exhibited a toughness to take on the inside run and has the speed to pull down runners from behind.

Seau was the second leading tackler during his rookie year and was voted first alternate to the Pro Bowl in his first NFL season.

While he did not learn how to speak English until he was 7, Junior, during his senior year at Oceanside High School, was named to California's all academic team with a 3.6 grade point average.

While at Southern California, he was also named San Diego section basketball player of the year.

Of all the Samoan football players still in the NFL, no one has done it longer than Mosi Tatupu. Long known for his toughness and outstanding special teams play, Mosi has joined the Los Angeles Rams after spending 13 seasons with the New England Patriots. He ranks second in Patriots' history with 194 games played and currently ranks as the No. 2 rusher in the Patriots history with 2,415 yards.

Tatupu has returned to Los Angeles to play for Rams Head Coach John Robinson, who coached him at USC and considers him one of the best blocking backs he has ever coached.

At 36 years of age, Tatupu led the Rams in special teams tackles last year. He played in Super Bowl XX and has received the highest honors the league has to offer. In 1986, he was named to the Pro Bowl for his outstanding special teams play; in addition, he has been named NFL alumni's special teams player of the year, 1986; named to the Associated Press and Pro Football Newsweekly all-pro teams.

While at the University of Southern California, Tatupu saw action in four postseason bowl games, including two Rose Bowl victories.

Tatupu was born in Pago Pago, American Samoa, and attended Punahou High School in Hawaii, where he is still considered one of the best players to ever play the game.

Esera Tuaolo was drafted a few months ago by the Green Bay Packers in the first round. In 1989 while at Or-

egon State, Tuaolo was named the PAC-10 conference's defensive player of the year. This Samoan nose tackle closed out his Oregon State career with a school record 14 sacks, despite playing hurt throughout the 1990 season with a knee injury. His 23 tackles behind the line of scrimmage, as well as his 27.5 quarterback pressures, also were all-time OSU records. He was ranked third among the Nation's defensive tackles by Packer scouts going into the draft. "The guy can hammer people," veteran scout Jon Jelacic says of the powerful Samoan. "He's a head snapper. As a 'nose,' he makes plays 7 yards either way—he's not a 3 or 4 yard guy," plays as if he's on a search and destroy mission, possesses a low center of gravity that makes it extremely difficult to drive him away from the play.

This is a guy to watch. Tuaolo says he first started getting his strength from "carrying those bananas up and down the plantation."

Tuaolo had not planned on being a football player. He played for about a year during his freshman year high school and then quit "because of the farm and stuff." While attending high school in Hawaii, he played volleyball. When he moved to California to finish high school, the school did not have a volleyball team so he ended up playing football again.

Before graduating from high school, Tuaolo was named the national defensive player of the year, a feat he duplicated when he graduated from college 4 years later.

Natu Tuatagaloa is another highly rated player who was drafted by the Cincinnati Bengals in 1989 after being a defensive standout for four seasons at the University of California. He saw considerable action last season and recorded 25 tackles and 3 assists. Tuatagaloa is an excellent pass rusher and registered five sacks and recovered four fumbles last season. Bengals defensive line Coach Chuck Studley says, "Tuatagaloa has excellent potential because of size and quickness."

Tuatagaloa is Dutch-Samoan and his athletic skills come from his Samoan father and Dutch mother, who were both exceptional athletes. His father was one of the best rugby players ever to play in Samoa, Tuatagaloa said. His mother Ria, was a swimmer for the Netherlands in the Olympics.

He has played rugby and basketball and had a 12-1 record in golden gloves boxing competition, until his mom found out and made him quit boxing.

After two seasons with the Bengals, Natu is a young man with a big heart and a bigger future ahead of him in the NFL.

Mark Tuinei has been with the Dallas Cowboys since 1983. Mark finished the 1990 season as the only Dallas offensive lineman to end the entire year at his current position.

He has provided the Cowboys offense with a solid foundation at left tackle and started all 13 games in 1990. In the many games Mark has played, the one I remember the most is the 1989 game against the New York Giants. Working mostly against all-pro Lawrence Taylor, Tuinei earned player of the game honors after Dallas held the Giants without a sack.

His older brother Tom, also played defensive tackle for the Detroit Lions for many years.

These are all young men we can all be proud of. They set the finest example of what can be done if one has the courage, stamina, and determination to make it in life.

Mr. Speaker, I am extremely proud of these young athletes who have excelled in one of our country's most popular sports. But more than that, I am proud of the contributions they make to their families, their communities, and to our great Nation. As role models in their respective communities, they have encouraged young people to stay away from drugs and alcohol and to pursue higher education. Many have visited hospitals and have spoken in civic clubs and associations—also they all emphasized the importance of maintaining a spiritual base and the need to help one's fellowman.

Mr. Speaker, I also want to pay a special tribute to the parents and families of these outstanding athletes for their support and encouragements for them to become successful in life.

Mr. Speaker, I am proud of these athletes—not because they are Samoans, but because they are Americans of Samoan ancestry.

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FUNDING THE NAFTA ADJUSTMENT ASSISTANCE PROGRAM

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

Mr. PEASE. Mr. Speaker, I have spoken many times on the topic of the proposed free-trade agreement with Mexico and Canada, commonly known as the North American Free-Trade Agreement, or the NAFTA. Today, however, I would like to address a specific aspect of this agreement that I have not yet discussed on the House floor. This is the funding for the NAFTA adjustment assistance program, to which the administration committed in its May 1 action plan.

On August 8, I sent a letter on funding the NAFTA adjustment program to Ambassador Carla Hills. Mr. Speaker, I request that the copy of this letter which I have provided be reproduced in the RECORD at the conclusion of my remarks.

In short, in this August letter, I proposed the levying of a small adjustment fee on goods traded among the three North American economies that will be integrated as a result of the NAFTA. The revenue raised from this fee will be used to fund the program that will assist workers who are dislocated as a result of the agreement.

I flag the issue of adjustment assistance funding because I anticipate problems in this area. When the work of the actual FTA negotiations is completed, and Congress gets ready to take up domestic implementing legislation, the question will arise as to how the NAFTA adjustment program will be funded. The answer to this question is complicated by the Budget Enforcement Act of 1990.

I envision one of two scenarios playing out next year when we actually get down to the business of funding the NAFTA adjustment program, whether it proves to be an amalgam of existing programs or an entirely new statutory plan.

If, on one hand, the decision is made to structure the NAFTA adjustment program as a discretionary spending program, it will be subject to the overall spending cap that was instituted under last year's budget agreement. This would allow the administration to drop the ball in Congress' court, forcing us to cut other programs in order to fund this adjustment plan. With domestic programs already at a bare minimum, the Congress will undoubtedly refuse to adopt this means for funding the NAFTA adjustment program.

If, on the other hand, the program is structured as an entitlement, the pay-as-you-go requirement of last year's agreement comes into play. This requirement would make it necessary to generate revenue and/or cut other entitlements in order to offset any additional spending. The administration is then likely to argue that it is not willing to raise taxes or cut other entitlements in order to pay for an adequate program.

One can easily see that under either scenario, there is likely to be a major argument between Congress and the administration, not over the adjustment program itself, but over the funding mechanism. I can already hear the accusations and counteraccusations.

My point in detailing these scenarios is to emphasize the need for a creative solution to the problem of adequately funding the NAFTA worker adjustment assistance program. The adjustment fee that I have proposed is just such a creative remedy.

I would add that there is precedent for the use of an adjustment fee to alleviate some of the negative distribution of income effects of an international trade agreement. Negotiating an adjustment fee is a statutory objective of the United States in the Uruguay round of the GATT talks.

In closing, let me make one final but very crucial point. While the details of the NAFTA adjustment assistance program could conceivably be viewed as a purely domestic matter and therefore not requiring input from our North American partners, the funding mechanism for this program should not be viewed in the same way.

If the administration were to adopt the concept of the adjustment fee, the United States would have to gain approval from Canada and Mexico, our partners in the proposed NAFTA. Thus, the adjustment fee must be addressed now during the NAFTA negotiations. The details of the adjustment plan can come later, but the possibility of an adjustment fee needs to be settled sooner, not later.

Mr. Speaker, the letter I referred to previously is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 8, 1991.

Ambassador CARLA HILLS,
Office of the United States Trade Representative (USTR), Washington, DC.

DEAR MADAM AMBASSADOR: Pursuant to past discussions that we have had both publicly and privately, I wanted to put pen to paper and formally propose a solution to a problem that has arisen as a result of the current plans to negotiate a free trade agreement (FTA) with Mexico and Canada.

The problem to which I refer is the potential for the FTA to catalyze the movement of investment capital and concurrently, manufacturing jobs, from the United States to Mexico. As you know, the spectre of these capital shifts engendered the President's May 1 commitment to an adequate adjustment program for workers dislocated with the FTA. Although I was happy to hear of this Administration commitment, I am still left with a feeling of uneasiness about this program, more specifically, about the way in which it will be funded.

When the work of the actual FTA negotiations is completed, and Congress gets ready to take up domestic implementing legislation, the question will arise as to how the North American Free Trade Agreement (NAFTA) adjustment program will be funded, a question whose answer is complicated by the Budget Enforcement Act of 1990. As I stated in last week's Ways and Means Trade Subcommittee hearing on worker dislocation adjustment assistance programs, I anticipate two scenarios materializing next year when we actually get down to the business of funding the NAFTA adjustment program, whether it proves to be an amalgam of existing programs—such as Trade Adjustment Assistance (TAA) and the programs authorized under the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA)—or an entirely new statutory plan.

If the decision is made to structure the NAFTA adjustment program as a discretionary spending program, it will be subject to the overall spending cap that was instituted under last year's budget agreement. This would allow the Administration to drop the ball in Congress' court, forcing us to cut other programs in order to fund this adjustment program. With domestic programs already at a bare minimum, the Congress will undoubtedly refuse to adopt this means for funding the NAFTA adjustment program.

In contrast, if the program is structured as an entitlement, the "pay-as-you-go" requirement of last year's agreement comes into play. This requirement would make it necessary to generate revenue and/or cut other entitlements in order to offset any additional spending. The Administration is then likely to argue that it is not willing to raise taxes or cut other entitlements in order to pay for an adequate program.

Thus, under either scenario, there is likely to be a major argument between Congress and the Administration, not over the adjustment program itself, but over the funding mechanism. I can already hear the accusations and counter-accusations.

My point in detailing these scenarios is to emphasize the need for a creative solution to the problem of adequately funding the NAFTA worker adjustment assistance program. Fortunately, I have devised just such a creative remedy.

In order to fund the NAFTA adjustment program, I propose that the three governments involved impose a small adjustment fee on goods trade within the North American free trade area.

As you recall, negotiating such an adjustment fee is a statutory negotiating objective of the United States in the Uruguay Round of the multilateral negotiations being held under the auspices of the General Agreement on Tariffs and Trade (GATT). Although USTR has not had much success in Geneva in this regard, negotiating an adjustment fee among only three nations should prove much easier to accomplish. Furthermore, such a fee should be deemed GATT legal inasmuch as free trade agreements in general have been determined to be in compliance with the GATT legal superstructure.

More to the point, section 1428(a)(1)(B) of Public Law 100-418 states that the President "shall undertake negotiations with any foreign country that has entered into a free trade agreement with the United States under subtitle A or under section 102 of the Trade Act of 1974 to obtain the consent of such country to the imposition of such a fee by the United States." Now seems an opportune time in the NAFTA negotiations with Mexico and Canada for United States negotiators to propose, in accordance with existing law, that the import fee be authorized.

In conclusion, I would ask you to seriously consider the above proposal. There is logic in funding adjustment to government-induced changes in trade patterns through a trade-related mechanism, such as an adjustment fee. Those who gain from liberalized trade would pay a very small fee in relation to their much larger derived benefits. Linking some adjustment funding to an import fee would also provide a more secure source of payment divorced from the uncertainties of the budget process. Workers, firms, and industries adversely affected by liberalized trade flows would not have to worry so much about whether adequate adjustment programs would be available.

Please keep in mind, that the Congress intends to hold President Bush to his promise on the NAFTA adjustment assistance program, a promise that included a commitment to adequate funding. My adjustment fee would provide a means for the President to fulfill this commitment while demonstrating the fiscal responsibility for which both he and the Congress must be accountable.

I look forward to your response to my proposal.

Sincerely yours,

DON J. PEASE,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT), for today after 5 p.m., on account of official business in district.

Mr. CALLAHAN (at the request of Mr. MICHEL), for today and the balance of the week, on account of personal business.

Mr. STOKES (at the request of Mr. GEPHARDT), for today and September 25, on account of death in 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. GILMAN) to revise and extend their remarks and include extraneous material:)

Mr. COLEMAN of Missouri, for 5 minutes, today.

Mr. BARTON of Texas, for 5 minutes, each day on September 25 and 26.

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

Mr. BACCHUS, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. BONIOR, for 60 minutes, on September 26.

Ms. KAPTUR, for 60 minutes, on October 3.

Mr. KOPETSKI, for 60 minutes, on October 8.

Mr. JACOBS, for 60 minutes, on November 6.

(The following Member (at the request of Mr. FALEOMAVAEGA) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 60 minutes, on September 25.

EXTENSION OF REMARKS

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

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

Mr. BILIRAKIS.

Mr. LEWIS of California in two instances.

Mr. FAWELL.

Mr. WOLF.

Mr. SANTORUM in two instances.

Mr. MILLER of Ohio in three instances.

Mr. EMERSON.

Mr. SCHULZE.

Mr. PORTER.

Mr. MACHTLEY in two instances.

Mrs. ROUKEMA.

Mr. CUNNINGHAM.

Mr. STUMP.

Mr. KOLBE.

Mr. DREIER of California.

Mr. ARMEY.

Mr. CAMP.

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

Mr. WYDEN.

Mr. OLVER.

Mr. KLECZKA.

Mr. SLATTERY.

Mr. YATRON.

Mr. APPLEGATE.

Mr. HEFNER.

Mr. MCMILLEN of Maryland.

Mr. ENGEL.

Mr. CLAY.

Mr. ORTIZ.

Mr. ERDREICH.

Mr. YATES.

Mr. KOSTMAYER in two instances.

Mr. LANTOS in two instances.
Mr. RAHALL.
Mr. CARDIN.
Mr. DWYER of New Jersey in two instances.
Mrs. KENNELLY.
Mr. BONIOR.

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. 233. Joint resolution designating September 20, 1991, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 25, 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:

2121. A letter from the Assistant Secretary, Department of the Army, transmitting notification of intent to award a contract for all services, material, and facilities to the George C. Marshall Foundation, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

2122. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the Secretary of Defense to institute a voluntary separation incentive for members of the Armed Forces to ensure an orderly, effective, and fair reduction in the size of the Armed Forces, and for other purposes; to the Committee on Armed Services.

2123. A letter from the Chairman, Federal Reserve System, transmitting the Board's 1991 report to Congress under the Expedited Funds Availability Act, pursuant to 12 U.S.C. 4008(d)(1); to the Committee on Banking, Finance and Urban Affairs.

2124. A letter from the Chairman, Federal Reserve System, transmitting the Board's assessment of the profitability of credit card operations of depository institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking, Finance and Urban Affairs.

2125. A letter from the Secretary of Health and Human Services, transmitting a report on the fiscal year 1990 Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly, to the Committees on Education and Labor and Energy and Commerce.

2126. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to revise the provisions added thereto by the Prescription Drug Marketing Act of 1987; jointly, to the Committees on Energy and Commerce and the Judiciary.

2127. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled, "Controlled Substances Monitoring Act of 1991"; jointly, to the Committees on Energy and Commerce and the Judiciary.

2128. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1993, pursuant to 45 U.S.C. 231f; jointly, to the Committees on Appropriations, Energy and Commerce, and Ways and Means.

2129. A letter from the Secretary of Commerce, transmitting the Department's first annual report on foreign direct investment in the United States, pursuant to Public Law 101-533, section 3(a) (104 Stat. 2344); jointly, to the Committees on Energy and Commerce, Foreign Affairs, Post Office and Civil Service, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 1426. A bill to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes; with an amendment (Rept. 102-215). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 332. Resolution making continuing appropriations for the fiscal year 1992, and for other purposes. (Rept. 102-216). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 1538. A bill to establish a national electric vehicle research, demonstration, and commercialization program for the United States, and for other purposes; with an amendment (Rept. 102-217, Pt. 1). Ordered to be printed.

Mr. HALL of Ohio: Committee on Rules. House Resolution 225. Resolution providing for the consideration of H.R. 1426, a bill to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes. (Rept. 102-218). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 226. Resolution providing for the consideration of H.R. 2900, a bill to improve supervision and regulation with respect to the financial safety and soundness of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Bank System, and for other purposes. (Rept. 102-219). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 227. Resolution providing for the consideration of S. 1722, a bill to provide emergency unemployment compensation, and for other purposes. (Rept. 102-220). Referred to the House Calendar.

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. MCMILLEN of Maryland (for himself, Mr. CONDIT, Mr. ACKERMAN, Mr. TOWNS, Mr. KLECZKA, Mr. LANCASTER, Mr. RINALDO, Mrs. COLLINS of Illinois, Mr. ESPY, and Mr. TORRICELLI):

H.R. 3373. A bill to amend title XVIII of the Social Security Act to permit separate payment under part B of the Medicare Program for the interpretation of electrocardiograms provided by a physician during a visit, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ABERCROMBIE (for himself and Mrs. MINK):

H.R. 3374. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain personnel who were members of the Reserve components or other nonregular components of the Armed Forces before August 16, 1945, and did not perform active duty during certain periods; and for other purposes; to the Committee on Armed Services.

By Mr. ARMEY (for himself, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. CRANE, Mr. DORNAN of California, Mr. FAWELL, and Mr. ROHRABACHER):

H.R. 3375. A bill to impose certain restrictions on product liability actions; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 3376. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; jointly, to the Committees on Appropriations and Rules.

By Mr. COLEMAN of Missouri:

H.R. 3377. A bill to enhance the ability of the United States to provide support to emerging democracies in their transition to agricultural economies based upon free enterprise elements; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. DAVIS:

H.R. 3378. A bill to equalize inspection charges for Great Lakes vessels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 3379. A bill to amend section 574 of title 5, United States Code, relating to the authorities of the Administrative Conference; to the Committee on the Judiciary.

By Mr. ECKART (for himself and Mr. FIELDS):

H.R. 3380. A bill to amend the Communications Act of 1934 to ensure carriage on cable television systems of local news and other programming and to restore the right of broadcasting stations to control the distribution of their signals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 3381. A bill to amend section 202, title 18, United States Code, to allow the President to waive certain conflict of interest statutes with respect to certain individuals; to the Committee on the Judiciary.

By Mr. GUARINI:

H.R. 3382. A bill to suspend temporarily the duty on Pentostatin; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 3383. A bill to provide for the transfer of certain lands in the County of Clear Creek, CO, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HOLLOWAY:

H.R. 3384. A bill to amend the Voting Rights Act of 1965 to modify the applicabil-

ity of the preclearance procedures; to the Committee on the Judiciary.

By Mr. HOPKINS:

H.R. 3385. A bill to amend title V of the Surface Mining Control and Reclamation Act of 1977 to assist small surface coal mine operators, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HOPKINS (for himself, Mr. BUNNING, and Mr. ROGERS):

H.R. 3386. A bill to authorize States to regulate the treatment, disposal, and other disposition of solid waste; to the Committee on Energy and Commerce.

By Mr. KOSTMAYER:

H.R. 3387. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LEVIN of Michigan (for himself and Mr. VANDER JAGT):

H.R. 3388. A bill to amend the Internal Revenue Code of 1986 to require foreign insurance companies to use same year tax return data in calculating minimum effectively connected net investment income, to provide for a carryover account, and to allow an election to use an individualized company yield; to the Committee on Ways and Means.

By Mr. LIPINSKI:

H.R. 3389. A bill to provide for adjustment of immigration status for certain Polish and Hungarian parolees; to the Committee on the Judiciary.

By Mr. McMILLAN of North Carolina:

H.R. 3390. A bill to suspend for a 3-year period the duty on C.I. Pigment Red 242; to the Committee on Ways and Means.

H.R. 3391. A bill to suspend for a 3-year period the duty on C.I. Pigment Yellow 155; to the Committee on Ways and Means.

H.R. 3392. A bill to suspend for a 3-year period the duty on C.I. Pigment Red 214; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mrs. BOXER, Mr. BRUCE, Mr. FORD of Tennessee, Mr. FROST, Mr. HALL of Ohio, Mr. HAYES of Illinois, Mr. HERTEL, Mr. JEFFERSON, Mr. KILDEE, Mr. OWENS of New York, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. REED, Mr. SAWYER, Mr. SCHEUER, Mr. STOKES, Mr. TOWNS, and Mr. VALENTINE):

H.R. 3393. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for health insurance coverage for pregnant women and children through employment-based insurance and through a State-based health plan; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. MILLER of California (for himself and Mr. RHODES):

H.R. 3394. A bill to amend the Indian Self-Determination and Education Assistance Act; to the Committee on Interior and Insular Affairs.

By Mr. REGULA:

H.R. 3395. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to detail members of the Armed Forces for duty as advisers and instructors at correctional facilities of States and local governments operated as military-style boot camps and to authorize the transfer of excess defense property, including real property at military installations being closed or realigned, to States and local governments for use by these camps; to the Committee on Armed Services.

By Mr. ROEMER:

H.R. 3396. A bill to amend title X of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. SCHEUER (for himself and Mr. SWETT):

H.R. 3397. A bill providing for research and development and the demonstration in Federal buildings of energy efficiency and renewable energy technologies, and for other purposes; jointly, to the Committees on Energy and Commerce, Science, Space, and Technology, Public Works and Transportation, and Government Operations.

By Mr. SOLOMON:

H.R. 3398. A bill to amend title 18, United States Code, to provide the penalty of death for certain murders of State and local correctional officers by incarcerated persons, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 3399. A bill to amend the Social Security Act by establishing a program to be funded by a trust fund financed by increasing certain excise taxes, under which a coordinated system of treatment providers, assessment and case-management experts, and case and program evaluators shall provide treatment services to persons suffering from drug or alcohol addiction; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MICHEL (for himself and Mr. SOLOMON):

H.R. 3400. A bill to provide an emergency unemployment compensation program; jointly, to the Committees on Ways and Means, Education and Labor, and Energy and Commerce.

By Mr. WAXMAN:

H.R. 3401. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Energy and Commerce.

H.R. 3402. A bill to amend the Public Health Service Act to revise and extend certain programs regarding health information and health promotion; to the Committee on Energy and Commerce.

By Mr. WHEAT:

H.R. 3403. A bill to extend the temporary suspension of duty on O,O-dimethyl-S-((4-oxo-phosphorodithioate; to the Committee on Ways and Means.

H.R. 3404. A bill to extend the temporary suspension of duty on 4-fluoro-3-phenoxy benzaldehyde; to the Committee on Ways and Means.

By Mr. WYDEN (for himself and Mr. COOPER):

H.R. 3405. A bill to amend the Public Health Service Act to provide for affordable prices for drugs purchased by certain entities receiving financial assistance under such act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAYNE of New Jersey (for himself, Mr. WOLPE, Mr. DELLUMS, Mr. FALEOMAVAEGA, and Mr. FUSTER):

H.R. 3406. A bill concerning democratic changes and violations of human rights in Zaire; to the Committee on Foreign Affairs.

By Mr. WHITTEN:

H.J. Res. 332. Joint resolution making continuing appropriations for the fiscal year 1992, and for other purposes.

By Mr. LAFALCE:

H.J. Res. 333. Joint resolution to amend the joint resolution entitled "Joint Resolution creating the Niagara Falls Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, New York," approved June 16, 1938, to authorize the issuance of certain bonds, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LENT:

H.J. Res. 334. Joint resolution designating the week of April 26, 1992, as "Just Pray No Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 335. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms for Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

By Mr. ERDREICH (for himself, Mr. BEVILL, Mr. HARRIS, Mr. CRAMER, and Mr. BROWDER):

H. Con. Res. 208. Concurrent resolution protesting the decision of the Secretary of Health and Human Services to prohibit Federal payments under the Medicaid Program relating to State Medicaid expenditures that are made from revenues derived from provider-specific taxes; to the Committee on Energy and Commerce.

By Mr. RAVENEL (for himself, Mr. ENGEL, Mr. JONES of Georgia, Mr. MILLER of Washington, Ms. PELOSI, Mr. DELLUMS, Mr. RITTER, Mr. FUSTER, Mr. HERTEL, Mr. SPENCE, Mr. MCNULTY, Mrs. PATTERSON, Mr. SPRATT, Mr. BILBRAY, Mr. GILMAN, Mr. PORTER, Mr. DERRICK, Mr. TALLON, Mr. COOPER, Mr. PENNY, Mr. LOWERY of California, Mr. HUGHES, Mr. HOCHBRUECKNER, Mr. DANNEMEYER, Mr. TOWNS, Mr. VUCANOVICH, Mrs. MEYERS of Kansas, and Mr. DORNAN of California):

H. Res. 228. Resolution expressing the sense of the House of Representatives that the President should communicate to the leaders of the Government of the People's Republic of China the concern of the United States for the welfare of Wang Juntao and Chen Ziming and call for their immediate release from prison; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

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

H.R. 123: Mr. GILCHREST, Mr. CAMP, and Mr. APPLEGATE.

H.R. 127: Mr. FASCELL, Mr. HATCHER, and Mr. NUSSLE.

H.R. 303: Mr. BAKER, Mr. OBERSTAR, Mr. MARKEY, and Mr. SWETT.

H.R. 304: Ms. SNOWE, Mr. SWETT, Mr. PETRI, and Mr. KOPETSKI.

H.R. 421: Mr. MCMILLAN of North Carolina.

H.R. 431: Mrs. LLOYD, Mr. TAYLOR of Mississippi, Mr. TAYLOR of North Carolina, Mr. MORRISON, and Mr. RICHARDSON.

H.R. 464: Ms. NORTON.

H.R. 493: Mr. MILLER of Washington.

H.R. 534: Mr. ROEMER, Mr. HATCHER, Mr. ROSE, Mr. KYL, Mr. ROBERTS, Mr. BOUCHER, Mr. LEWIS of California, Mr. WOLF, Mr. CHANDLER, Mr. NEAL of North Carolina, and Mr. ARMEY.

H.R. 608: Mr. PICKETT, Mr. GILLMOR, Mr. HALL of Ohio, Mr. ROHRABACHER, and Mr. DELLUMS.

H.R. 609: Mr. PETRI, Mr. MARKEY, Mr. BOEHLERT, and Mr. LAROCCO.

H.R. 676: Mr. GRANDY.

H.R. 709: Mr. RANGEL and Mr. OWENS of Utah.

H.R. 722: Mr. PETERSON of Minnesota, Mr. HERTEL, Mr. HOCHBRUECKNER, and Mr. TOWNS.

H.R. 747: Mr. CRANE, Mr. FALEOMAVAEGA, Mr. BARNARD, and Mr. NEAL of Massachusetts.

H.R. 804: Mr. SLAUGHTER of Virginia, Mr. RAMSTAD, and Mr. FALEOMAVAEGA.

H.R. 842: Mr. JONES of Georgia, Mr. KANJORSKI, Mr. LUKEN, and Ms. HORN.

H.R. 843: Mr. YATES and Ms. SLAUGHTER of New York.

H.R. 911: Mr. SMITH of New Jersey, Mr. KLECZKA, Mr. BONIOR, and Mr. KOSTMAYER.

H.R. 924: Mr. TALLON and Mr. EWING.

H.R. 931: Mrs. MINK, Mr. DELLUMS, Mr. CLINGER, and Mr. HENRY.

H.R. 1004: Mr. SOLOMON, Mr. STEARNS, and Mr. THOMAS of Wyoming.

H.R. 1077: Mrs. MEYERS of Kansas and Mr. ARMEY.

H.R. 1106: Mr. COX of California.

H.R. 1147: Mr. SANDERS and Mr. VISCLOSKY.

H.R. 1237: Mr. SHAW, Mr. MACHTLEY, Mr. THORNTON, and Mr. MILLER of Ohio.

H.R. 1311: Mr. BILBRAY and Mr. JONES of North Carolina.

H.R. 1312: Mr. BILBRAY and Mr. JONES of North Carolina.

H.R. 1346: Mr. LUKEN, Mr. DOOLEY, Mr. SAVAGE, Mr. OLVER, Mr. FROST, Mr. NEAL of Massachusetts, and Mr. CAMPBELL of Colorado.

H.R. 1406: Mr. HAMMERSCHMIDT, Mr. GLICKMAN, Mr. DICKINSON, and Ms. MOLINARI.

H.R. 1411: Mr. QUILLEN, Mr. TAYLOR of Mississippi, Mrs. PATTERSON, Mr. JOHNSTON of Florida, Mr. WISE, Mr. ATKINS, Mr. JONTZ, Mr. EVANS, Mr. ARMEY, Mr. MCEWEN, Mrs. VUCANOVICH, Mr. KLUG, Mr. DARDEN, Mr. GUARINI, and Mr. RIDGE.

H.R. 1430: Mr. COX of Illinois.

H.R. 1450: Mr. ROE, Mr. LEWIS of Georgia, Mr. SKEEN, and Mr. JOHNSON of Texas.

H.R. 1468: Mr. THOMAS of Wyoming.

H.R. 1473: Mr. PRICE, Mr. CRAMER, and Mr. SMITH of Oregon.

H.R. 1516: Mr. OBEY, Mr. VALENTINE, and Mr. COX of Illinois.

H.R. 1523: Mr. PAXON and Mr. GUNDERSON.

H.R. 1527: Mr. PERKINS and Mr. MCCANDLESS.

H.R. 1531: Mr. DWYER of New Jersey, Mr. KOPETSKI, Mr. THOMAS of Wyoming, Mr. MORRISON, Mr. MCCOLLUM, Mrs. SCHROEDER, Mr. WOLPE, Mr. FAZIO, and Mr. LEHMAN, of California.

H.R. 1603: Mrs. KENNELLY.

H.R. 1627: Mr. MCCANDLESS.

H.R. 1655: Mr. TAYLOR of Mississippi.

H.R. 1696: Mr. ATKINS, Mr. BARNARD, Mrs. BOXER, Mr. CLAY, Mr. DANNEMEYER, Mr. ERDREICH, Mr. FALEOMAVAEGA, Mr. HALL of Texas, Mr. HAYES of Illinois, Mr. HUBBARD, Mr. HUCKABY, Mr. KANJORSKI, Mr. LANCASTER, Ms. LONG, Mrs. MORELLA, Mr. OWENS, of Utah, Mr. PAYNE of New Jersey, Mr. PRICE, Mr. RAVENEL, Mr. ROE, Mr. ROHRABACHER, Mr. SKEEN, Mr. STALLINGS, Mr. TALLON, Mr. TRAFICANT, Mr. VENTO, Mr. WISE, Mr. WOLPE, Mr. BILBRAY, Mr. TOWNS, and Mr. PICKETT.

H.R. 1703: Mrs. ROUKEMA.

H.R. 1711: Mr. DOOLITTLE.

H.R. 1800: Mr. CLINGER.

H.R. 1809: Mrs. UNSOELD.

H.R. 1885: Mr. MORAN and Mr. NEAL of Massachusetts.

H.R. 1889: Mr. BARNARD and Mr. KOLTER.

H.R. 2070: Mr. CUNNINGHAM.

H.R. 2164: Mr. SPRATT and Mr. PEASE.

H.R. 2200: Mr. CUNNINGHAM.

H.R. 2248: Mr. HUCKABY.

H.R. 2274: Mr. PORTER.

H.R. 2334: Mr. ACKERMAN, Mrs. LOWEY of New York, Mr. TOWNS, Mr. MARKEY, Mr. JOHNSTON of Florida, Mr. ECKART, Mr. ATKINS, Mr. STARK, Mr. STAGGERS, Mr. OWENS of New York, and Mr. GAYDOS.

H.R. 2437: Mr. DUNCAN, Mr. MCMILLAN of North Carolina, Mr. JAMES, Mr. SHAW, Mr. GORDON, Mrs. LLOYD, Mr. BACCHUS, Mr. ENGLISH, Mr. FASCELL, Mr. FISH, and Mr. MCCOLLUM.

H.R. 2452: Mr. SIKORSKI and Mr. NEAL of North Carolina.

H.R. 2484: Mr. PAYNE of Virginia.

H.R. 2540: Mr. ACKERMAN, Mr. BACCHUS, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. HALL of Ohio, Mr. FLAKE, Mr. JOHNSON of South Dakota, Ms. MOLINARI, Mrs. MORELLA, Mr. OBERSTAR, Mr. OWENS of New York, Mr. RAHALL, Mr. ROEMER, Mr. SERRANO, Mr. VALENTINE, Mr. YATES, Mr. FOGLIETTA, Mr. TORRICELLI, Mr. HORTON, Mr. AUCOIN, Mr. BONIOR, Mr. BROWN, Mr. FORD of Tennessee, Mr. GALLO, Mr. MINETA, Mrs. MINK, Mr. MURTHA, Mr. RAVENEL, Mr. RINALDO, and Mr. TALLON.

H.R. 2541: Mr. ACKERMAN, Mr. BROOMFIELD, Mr. FORD of Michigan, Mr. HORTON, Mr. LANCASTER, Mr. MCCLOSKEY, Mr. RANGEL, Mr. SAWYER, Mr. TRAXLER, Mr. YATES, Mr. AUCOIN, Mr. BONIOR, Mr. BROWN, Mr. FORD of Tennessee, Mr. GALLO, Mr. MINETA, Mrs. MINK, Mr. MURTHA, Mr. RAVENEL, Mr. RINALDO, and Mr. TALLON.

H.R. 2553: Mrs. ROUKEMA, Mr. MARTINEZ, Mr. IRELAND, Mr. BILIRAKIS, and Mr. HALL of Ohio.

H.R. 2598: Mr. PACKARD, Mr. HENRY, Mr. PETERSON of Minnesota, Mr. RAVENEL, Mr. IRELAND, Mr. PETERSON of Florida, Mr. MARTIN, Mr. HALL of Texas, Mr. GUNDERSON, Mr. SMITH of New Jersey, and Mr. ROSE.

H.R. 2632: Mr. FROST, Mr. ECKART, and Mr. CARPER.

H.R. 2643: Mr. DOOLITTLE.

H.R. 2668: Mr. HOCHBRUECKNER, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. ROYBAL, Mr. HORTON, Mr. DUNCAN, Mr. FRANK of Massachusetts, Mr. DELLUMS, Ms. NORTON, Mr. EVANS, Mr. TOWNS, Mr. OWENS of Utah, Mr. GUARINI, Mr. RAMSTAD, Mr. FROST, Mr. MCNULTY, Ms. HORN, Mrs. KENNELLY, Mr. SABO, Mr. BRYANT, Mr. BERMAN, Mr. GORDON, Ms. PELOSI, Mr. KOLTER, Mr. EDWARDS of California, Ms. SLAUGHTER of New York, Mr. LIPINSKI, Mr. ESPY, Ms. DELAURO, Mrs. LOWEY of New York, and Mr. DYMALLY.

H.R. 2669: Mr. HOCHBRUECKNER, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. ROYBAL, Mr. HORTON, Mr. DUNCAN, Mr. FRANK of Massachusetts, Mr. DELLUMS, Ms. NORTON, Mr. EVANS, Mr. TOWNS, Mr. OWENS of Utah, Mr. GUARINI, Mr. RAMSTAD, Mr. FROST, Mr. MCNULTY, Ms. HORN, Mrs. KENNELLY, Mr. SABO, Mr. BRYANT, Mr. BERMAN, Mr. GORDON, Ms. PELOSI, Mr. KOLTER, Mr. EDWARDS of California, Ms. SLAUGHTER of New York, Mr. LIPINSKI, Mr. ESPY, Ms. DELAURO, Mrs. LOWEY of New York, and Mr. DYMALLY.

H.R. 2673: Mr. FORD of Michigan.

H.R. 2709: Ms. PELOSI.

H.R. 2755: Mrs. UNSOELD, Mr. WYDEN, Mr. NEAL of North Carolina, Mr. MCMILLEN of Maryland, and Mr. CONYERS.

H.R. 2763: Mr. HUGHES, Mr. HANSEN, Ms. SNOWE, and Mr. RICHARDSON.

H.R. 2778: Mr. JEFFERSON.

H.R. 2788: Mrs. BENTLEY, Mr. CUNNINGHAM, Mr. PACKARD, Mr. DUNCAN, Mr. HUNTER, and Mr. DICKINSON.

H.R. 2872: Mr. OWENS of New York.

H.R. 2879: Mr. EWING, Mr. HORTON, and Mr. TALLON.

H.R. 2890: Mr. STAGGERS, Mr. MRAZEK, Mr. ANNUNZIO, Mr. MYERS of Indiana, Mr. OLIN, Mr. TAYLOR of Mississippi, Ms. SLAUGHTER of New York, Mr. PICKETT, Mr. BILBRAY, and Mr. APPLEGATE.

H.R. 2902: Mr. TAYLOR of Mississippi, Mr. CUNNINGHAM, and Mr. MARTINEZ.

H.R. 2903: Mr. TAYLOR of Mississippi and Mr. CUNNINGHAM.

H.R. 2904: Mr. TAYLOR of Mississippi and Mr. CUNNINGHAM.

H.R. 2915: Mr. THOMAS of California.

H.R. 2920: Mr. KOPETSKI.

H.R. 3002: Mr. BEILENSON.

H.R. 3017: Mr. ESPY, Mr. HORTON, Mr. TOWNS, Mrs. PATTERSON, Mr. WASHINGTON, Mr. HOCHBRUECKNER, Mr. KENNEDY, Mr. ACKERMAN, Ms. NORTON, Mr. JEFFERSON, Mr. ENGEL, Mr. SCHEUER, Mr. FROST, and Mrs. KENNELLY.

H.R. 3018: Mr. Espy, Mr. HORTON, Mr. TOWNS, Mrs. PATTERSON, Mr. WASHINGTON, Mr. HOCHBRUECKNER, Mr. KENNEDY, Mr. ACKERMAN, Ms. NORTON, Mr. JEFFERSON, Mr. ENGEL, Mr. SCHEUER, Mr. FROST, and Mrs. KENNELLY.

H.R. 3048: Mr. COX of California.

H.R. 3049: Mr. MICHEL.

H.R. 3061: Mr. MOORHEAD.

H.R. 3062: Mr. MARTINEZ and Mr. MOORHEAD.

H.R. 3066: Mr. HERGER, Mr. DORNAN of California, Mr. PACKARD, Mr. CUNNINGHAM, Mr. GALLEGLY, Mr. ROHRABACHER, and Mr. LOWERY of California.

H.R. 3082: Mr. COX of Illinois and Mr. DELLUMS.

H.R. 3098: Mr. KOPETSKI, Mrs. MINK, Mr. JEFFERSON, and Mr. HAYES of Illinois.

H.R. 3104: Ms. DELAURO.

H.R. 3132: Ms. ROS-LEHTINEN, Mr. FOGLIETTA, Mr. LEWIS of Florida, Mr. GIBBONS, Mr. RAVENEL, and Mr. GILLMOR.

H.R. 3142: Mr. BILBRAY, Mr. GORDON, Mr. PETERSON of Minnesota, Mr. KILDEE, Mr. HARRIS, Mr. VOLKMER, and Mr. LAFALCE.

H.R. 3150: Mr. SABO and Mr. DELLUMS.

H.R. 3164: Mr. SMITH of New Jersey, Mr. LENT, Mr. MARKEY, Mr. SWETT, Mr. SKEEN, Mr. MCCOLLUM, and Mr. KOPETSKI.

H.R. 3172: Mr. MCMILLAN of North Carolina, Mr. SCHIFF, and Mr. JONES of Georgia.

H.R. 3221: Mr. HOBSON, Mr. PURSELL, Mr. KANJORSKI, Mr. KYL, Mr. DWYER of New Jersey, Mr. CLINGER, Mr. GUNDERSON, and Mr. GUARINI.

H.R. 3236: Mr. ACKERMAN, Mr. PERKINS, Mr. HOCHBRUECKNER, Mr. FROST, Mr. KOPETSKI, and Mr. KILDEE.

H.R. 3251: Mr. TOWNS, Mr. HORTON, Mr. JOHNSON of South Dakota, Mrs. MINK, Mr. ACKERMAN, Ms. ROS-LEHTINEN, Ms. KAPTUR, Mr. STUDDS, Mr. BURTON of Indiana, Mr. JONTZ, Mr. WISE, Ms. PELOSI, Mr. HERTEL, Mr. BROWN, Mr. GUARINI, Mr. LAFALCE, Ms. SLAUGHTER of New York, Mr. OWENS of New York, Mr. ANTHONY, Mr. KANJORSKI, Mr. HOCHBRUECKNER, Mr. COX of Illinois, Mr. OWENS of Utah, Ms. NORTON, and Mr. BATEMAN.

H.R. 3280: Mr. VENTO, Mr. LEWIS of Florida, Mr. UPTON, Mr. BEREUTER, Mr. GORDON, Mr. FUSTER, Mr. KOLTER, Mr. HORTON, and Mr. BUSTAMANTE.

H.R. 3281: Mr. CUNNINGHAM.

H.R. 3311: Mr. YOUNG of Florida, Mr. BACCHUS, Mr. DOOLITTLE, Mr. DANNEMEYER, Mr. MARTINEZ, and Mr. BREWSTER.

H.R. 3314: Mr. BURTON of Indiana, Mr. MARKEY, Mrs. KENNELLY, Mr. ACKERMAN, Mr. SMITH of New Jersey, Mr. WOLF, Mr. DANNEMEYER, Mr. TRAXLER, Mr. WOLPE, Mr. BUSTAMANTE, Mr. LAGOMARSINO, Mr. ERDREICH, Mr. KOLBE, Mr. HARRIS, Mr. WAXMAN, Mr. GEJDENSON, Mr. COUGHLIN, and Ms. KAPTUR.

H.R. 3316: Mr. HYDE.

H.R. 3317: Mr. COX of Illinois, Mr. COOPER, and Mr. NEAL of Massachusetts.

H.R. 3334: Mr. ROYBAL, Mr. HERTEL, Mr. LANCASTER, Mr. TOWNS, Mr. DELLUMS, and Mr. FORD of Tennessee.

H.J. Res. 123: Mr. SCHULZE, Mr. DOWNEY, Mr. MCCOLLUM, Mr. FORD of Tennessee, Mr. MOAKLEY, Mr. CLAY, Mr. SAWYER, Mr. BILIRAKIS, Mr. WELDON, Mr. DONNELLY, Mr. GINGRICH, Mr. LEHMAN of California, Mr. PORTER, Mr. SUNDQUIST, and Mr. DOOLITTLE.

H.J. Res. 153: Mrs. JOHNSON of Connecticut, Mr. YOUNG of Florida, Mr. OBERSTAR, and Mr. ROBERTS.

H.J. Res. 164: Mr. PETERSON of Minnesota.

H.J. Res. 178: Mr. ROE.

H.J. Res. 179: Mr. WOLPE.

H.J. Res. 191: Mr. SMITH of Oregon and Mr. YOUNG of Florida.

H.J. Res. 195: Mr. EWING.

H.J. Res. 227: Mrs. VUCANOVICH, Mr. SYNAR, Mr. BERMAN, and Mr. WHITTEN.

H.J. Res. 230: Mr. ACKERMAN, Mr. POSHARD, Mr. YATRON, Mr. TRAXLER, Mrs. ROUKEMA, Mr. SYNAR, Ms. LONG, Mr. MCGRATH, Mr. STAGGERS, Mr. SHARP, Mr. SAXTON, Mr. UPTON, Mr. PAXON, Mr. DOWNEY, Mr. BROWN, Mr. FEIGHAN, Mr. BEVILL, Mr. CONYERS, Mr. FAZIO, Mr. HAYES of Illinois, Mr. HEFNER, Mr. DORNAN of California, Mr. GALLO, Mr. GUNDERSON, Mrs. UNSOELD, Mr. ENGLISH, Mr. CLEMENT, Mr. BEILENSON, Mr. REGULA, Mr. LANCASTER, Mr. PICKLE, Mr. HORTON, Ms. NORTON, Mr. WEISS, and Mr. BILBRAY.

H.J. Res. 239: Mr. ZIMMER, Mr. MATSUI, and Ms. NORTON.

H.J. Res. 242: Mr. SYNAR, Mr. MURPHY, Ms. OAKAR, Mr. MOAKLEY, Mr. AUCOIN, Mr. DYMALLY, Mr. ROWLAND, Mr. HATCHER, Mr. SMITH of New Jersey, Mrs. BENTLEY, Mr. GEREN of Texas, and Mr. ENGEL.

H.J. Res. 284: Mr. AUCOIN, Mr. SMITH of Oregon, Mr. ROTH, Mr. VALENTINE, Mr. HOYER, Mr. BLAZ, Mr. HOCHBRUECKNER, Mr. HUBBARD, Mr. LIPINSKI, and Mr. BOEHLERT.

H.J. Res. 307: Mr. CARPER, Mr. ROE, Mr. LEWIS of Georgia, Mr. GUARINI, Mr. WAXMAN, Mr. INHOFE, Mr. CALLAHAN, Mr. OWENS of New York, Mr. ESPY, Mr. NUSSLE, Mr. FORD of Tennessee, Mrs. UNSOELD, Ms. NORTON, Mr. GORDON, Mr. EVANS, Mr. RANGEL, Mr. JEFFERSON, Mr. FROST, Mr. LAGOMARSINO, Mr. EWING, Mr. FAZIO, Mr. EMERSON, Mr. LANCASTER, and Mr. SPENCE.

H.J. Res. 316: Mr. ROWLAND, Mr. BOUCHER, Mr. JONTZ, Mr. JONES of Georgia, and Mrs. BENTLEY.

H.J. Res. 324: Mr. HORTON, Mr. NICHOLS, Mr. RIGGS, Mr. CLEMENT, Mrs. PATTERSON, and Mr. BARNARD.

H.J. Res. 325: Mr. ANDREWS of Maine, Mr. BATEMAN, Mr. BEILENSON, Mr. BOUCHER, Mr. BURTON of Indiana, Mr. CHANDLER, Ms. COLLINS of Michigan, Mr. CONYERS, Mr. CRAMER, Mr. DOOLITTLE, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ENGEL, Mr. ESPY, Mr. FAWELL, Mr. FAZIO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. GILMAN, Mr. GINGRICH, Mr. GUNDERSON, Mr. HAMILTON, Mr. HANSEN, Mr. HATCHER, Mr. HORTON, Mr. HUGHES, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. JEFFERSON, Mr. JONES of North Carolina, Mr. KASICH, Mr. KENNEDY, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LANTOS, Mr. LEACH, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LUKEN, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCEWEN, Mr. MCGRATH, Mr. MACHTLEY, Mr. MANTON, Mr. MARTIN, Mr. MARTINEZ, Mr. MATSUI, Mrs. MORELLA, Mr. MORRISON, Mr. MURPHY, Mr. ORTON, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PICKETT, Mr. POSHARD, Mr. RAHALL, Mr. RHODES, Mr. ROHRABACHER, Mr. SCHIFF, Mr. SHARP, Mr. SMITH of Texas, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. SPENCE, Mr. STALLINGS, Mr. STEARNS, Mr. STUDDS, Mr. SUNDQUIST, Mr. TRAFICANT, Mrs. UNSOELD, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WELDON, Mr. WHEAT, Mr. WILSON, Mr. COUGHLIN, Mr. GONZALEZ, Mr. HASTERT, Ms. SLAUGHTER of New York, Mr. SPRATT, Mr. VENTO, Mr. DOWNEY, Mr. CARDIN, Mrs. BYRON, Mr. VOLKMER, Mr. YOUNG of Florida, Mr. MCHUGH, Mr. SANDERS, Mr. APPLEGATE, Mr. ANDREWS of Texas, Mr. WHITTEN, and Mr. SAWYER.

H. Con. Res. 100: Mr. COYNE, Mr. KOLTER, Mr. MCDADE, Mr. FALEOMAVAEGA, Mr. LOWERY of California, Mr. BOEHLERT, Mrs. BOXER, Mr. RAMSTAD, Mr. MILLER of California, Mrs. LOWEY of New York, Mr. SISISKY, Ms. SNOWE, Mr. ROSE, and Mr. WOLPE.

H. Con. Res. 156: Mrs. PATTERSON, Mr. GONZALEZ, Mr. FUSTER, Mr. PAYNE of New Jersey, Mr. CONYERS, Mr. MARTINEZ, Mr. LEHMAN of Florida, Mr. TORRICELLI, Mr. MCHUGH, Mr. BROOMFIELD, Mr. HAMILTON, and Mr. YATES.

H. Con. Res. 162: Mr. JEFFERSON, Mr. LENT, and Mr. MCGRATH.

H. Con. Res. 192: Mr. BATEMAN, Mr. SKAGGS, Mr. PETERSON of Minnesota, Mr. SOLOMON, Mr. SHARP, Mr. KANJORSKI, Mr. ERDREICH, Mr. ROEMER, Mr. PENNY, Mr. GORDON, Mr. COLEMAN of Texas, Mr. ZELIFF, and Mr. KOLBE.

H. Res. 121: Mr. MINETA.

H. Res. 215: Mr. KYL, Mr. WALSH, and Mr. KOLBE.

H. Res. 224: Mr. ROEMER, Mr. HEFLEY, Mrs. VUCANOVICH, Mr. IRELAND, Mr. MCMILLAN of North Carolina, Mr. KYL, Mr. BILIRAKIS, Mr. ZIMMER, Mr. CONDIT, Mr. BLILEY, Mr. SLATTERY, Mr. BEREUTER, Mr. WYLIE, Mr. CAMPBELL of Colorado, Mr. GIBBONS, Mr. COMBEST, Mrs. SCHROEDER, Mr. ROGERS, and Mr. HOBSON.

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.R. 1330: Mr. ANDERSON.

H. Con. Res. 193: Mr. ACKERMAN.

H. Res. 194: Mr. KOLTER, Mr. ROSE, Mr. QUILLEN, Mr. BURTON of Indiana, and Ms. SLAUGHTER of New York.