SENATE—*Wednesday, October 2, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

O Lord, thou hast searched me, and known me. Thou knowest my downsitting and mine uprising, thou understandest my thought afar off. Thou compassest my path and my lying down, and art acquainted with all my ways. For there is not a word in my tongue, but, lo, O Lord, thou knowest it altogether.—Psalm 139:1–4.

Eternal God, all wise, all powerful, present everywhere at the same time, You have given us life, You know us in our totality—our personal condition, our relationship with family, our desires and ambitions. You know the future and the past, the end from the beginning of history, and everything in between.

As you know us, Lord, individually and corporately, as You see our need, individually and collectively, cover the U.S. Senate with grace and mercy, with insight and understanding. Invade this place with Your presence so that no one can doubt that You are here. And work Your will and Your way to perfection.

In His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 2, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is now reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will be a period of time for morning business to be transacted not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein, and the time to be equally divided between the Senator from Hawaii [Mr. INOUYE] and the Senator from Wisconsin [Mr. KASTEN].

The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I yield myself such time as I may consume.

ABSORPTION GUARANTEES: HUMANITARIAN ASSISTANCE FOR SOVIET AND ETHIOPIAN REFUGEES RESETTLING IN ISRAEL

Mr. KASTEN. Mr. President, 3 weeks ago, the senior Senator from Hawaii and I discussed an amendment that would relieve the plight of Soviet and Ethiopian refugees in Israel. The amendment is cosponsored by 68 of our colleagues, meaning with Senator INOUYE and myself we have 70 sponsors of this amendment. This represents overwhelming support for this proposal.

There can be no doubt: Our amendment deserves this support. After all, for two decades, it has been a key goal of American foreign policy to liberate Soviet Jewry from Communist oppression. The bipartisan policy calling for free immigration of Soviet Jews was begun by the late Senator Henry Jackson with his historic Jackson-Vanik amendment, and has remained a foreign policy cornerstone for every administration since Nixon.

At long last, with the collapse of the Soviet Union and its Communist tyranny, our 20-year effort has succeeded. Since 1989, nearly 350,000 Soviet Jews have immigrated to Israel, and it is estimated that the total will reach 1 million by the end of 1995.

"Next year in Jerusalem" is no longer merely a noble wish; it is a reality, the result of longstanding American policies.

Now that we have succeeded in achieving our bipartisan goal, it would be unconscionable for us to flinch from our responsibility for the consequences. The scope of this current immigration is unlike anything Israel has seen since World War II and the creation of the State of Israel in 1948. It represents an increase of almost 25 percent over the current population.

For the last two decades of the cold war, Israel was the bastion of democracy and pro-Americanism in an extremely dangerous part of the world. Surrounded by Soviet allies, back when communism was on the offensive, the State of Israel held the line for our side.

Earlier this year, from Texas to Wisconsin, from Maine to Oregon, we all watched on television as the Scud missiles slammed into Israel, We also saw that the Israelis did not retaliate for these terrorist acts, because America asked them not to.

Israel kept faith with America. We must have the moral sense—the loyalty—to do the same.

And we will, because the American people and their Representatives in Congress do not believe in turning their backs on an ally.

Israel needs our help in resettling this massive influx of refugees. Our amendment would extend to Israel the helping hand it so urgently requires.

Our bill provides loan guarantees to Israel to help defray the extraordinary costs of resettling the refugees. The loan guarantees would amount to $2 billion for fiscal year 1992, and $2 billion each of the 4 succeeding fiscal years.

These loans guarantees will respond to the urgent human needs of a reliable and heroic friend. It is important, however, that we also understand what the loan guarantees are not.

The loan guarantees are not U.S. grants. Under our loan guarantee bill, the U.S. taxpayer will not be sending any funds to subsidize Israeli housing.

The loan guarantees are not U.S. loans. The Treasury will not be lending money to resettle the refugees. It will merely guarantee that when private sector lenders lend money for that purpose, the U.S. Government will stand surety for the loan. And we all know that Israel has never defaulted on United States loan guarantees.

The only U.S. budget funds involved in the loan guarantee process are the origination fee, which we estimate will amount to $100 million. Under our bill, Israel, not the United States, will pay for this origination fee, making United States taxpayer funding completely unnecessary. What a small price to pay to help out such a good friend.

I would like to address, however, one specific issue which has been raised by some in the administration about one of the provisions in the amendment. Some attorneys in the administration have interpreted our legislation as mandating a specific scoring. That is not our intention. Furthermore, we do not believe that the language in the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

49-059 O—95 Vol. 137 (Pt. 17) 39

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

amendment lends itself to such an interpretation, for if we were going to mandate scoring under the budget agreement on the Budget Act or the Credit Reform Act, we would have to have specific provisions waiving those laws.

Our legislation does not include such specific provisions. We do not do that.

Obviously, if lawyers at OMB or elsewhere believe that some of the language needs to be changed in order to clarify this particular point, we would certainly consider such changes. The important point to remember here, however, is that there is no intention to direct or mandate scoring—and as I said, we do not believe our language does that.

In a meeting with President Bush on September 10, attended by myself, the Senator from Hawaii [Mr. INOUYE] and the senior Senator from Vermont [Mr. LEAHY] who is the chairman of the Foreign Operations Appropriations Subcommittee, we agreed with the President that we would take a couple of weeks in order to try to gauge with our colleagues in the Senate not only their sentiment for delayed consideration of this proposal, but also to gauge the support in the Senate of these absorption guarantees.

Mr. President, it is clear to us that our colleagues do not wish a confrontation over the issue of delay, and I do not wish a confrontation on this issue of the delay. Senator LEAHY has suggested, therefore, that we put off consideration of this proposal for the time requested by the President. After exhaustive consultation with our colleagues, Senator INOUYE and I believe that we should accede to the administration's request—and consider the proposal when the foreign operations legislation is brought up sometime in late January or early February of next year.

I believe it is important to note at this point that the President and other high officials of the administration have been, by and large, positive on the substance of absorption guarantees. As I stated when we discussed this issue on September 10, "It is our hope that when time comes for its enactment, it will receive enthusiastic support from all quarters of our Government."

During these last 3 weeks, the President and other officials have indicated their support for absorption guarantees. In a letter the President wrote on September 17, he alluded to his support not only for the State of Israel but—and I quote again—"for the successful absorption of Soviet Jewish and Ethiopian refugees."

White House spokesperson, Marlin Fitzwater, also on September 17, stated that, "there is a commitment that we'll go forth with the loan guarantee." He further stated that, "there is no question for our support for loan guarantees and our interest in helping."

Likewise, the Secretary of State, in a press conference held in Damascus, Syria, on September 18, asserted that there had been no public or private discussions on a "settlement freeze in connection with the question of absorption aid to Israel."

Secretary Baker stressed that the United States has "asked for a delay of 120 days purely in order to give peace a chance. We've asked for a delay because we want to avoid the question of linkage—not promote it. That's the reason we've asked for the delay."

It is also well known that the President has made some six specific commitments on this issue. Most important among them are these: support for guarantees. No additional delay. And the question of scoring will be handled in a reasonable fashion in accordance with the law.

Finally, last Tuesday, Deputy Secretary of State Eagleburger testified before the Senate Judiciary Committee. He stated that the administration has an "obligation to assist Israel with the absorption of Soviet Jews * * * that is not the issue of contention." He further stated in that hearing, in response to an assertion by Senator GRASSLEY that the United States "seems to be linking aid to the peace conference" that "please, Senator, do not assume that we have linked loan guarantees or U.S. aid to the peace process."

Mr. President, I believe that the administration is positive on the merits and substance of this issue and it is therefore proper and right that we accede to the President's request for a delay.

Senator INOUYE and I will be working closely with the chairman of the Foreign Operations Subcommittee, Senator LEAHY, and the administration, so that early next year, we can pass a proposal which will be acceptable to all quarters of our Government. I might say not only be acceptable to all quarters of our Government but be enthusiastically supported by all quarters of our Government.

I thank my distinguished friend from Hawaii for standing with me on this. Mr. President, I would like now to send an amendment to the desk on behalf of myself and the senior Senator from Hawaii together with 68 of our colleagues as original cosponsors, and ask unanimous consent that it be printed in the RECORD, and printed as a document. I further ask unanimous consent that the text of the amendment appear in the RECORD following Senator INOUYE's statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INOUYE. Mr. President, on September 10, my colleague, Senator KASTEN and I, announced our intention to submit an amendment providing for guarantees for $10 billion in loans for Soviet and Ethiopian immigrant absorption in Israel.

I believe I should at the very outset underline the fact that this is a loan guarantee. It is not a grant of money to the people of Israel. We are not giving money to Israel. In many ways, this is just an act of friendship.

For example, Mr. President, if a very dear and close friend of mine should go to a bank and seek a loan and the banker tells him, "We'd be very happy to lend you money but you'll have to get someone to cosign your loan or guarantee your loan," this is all that this bill calls for, that we will cosign or guarantee the loan made by the State of Israel from banks in the United States to help themselves. We are not providing one penny of taxpayers' money. I believe this point is very important.

At that time we announced our intention, we informed our fellow Senators that a dialog was underway with the administration on certain technical aspects of our proposal and that, once these issues were resolved, we would move swiftly to bring the legislation up for formal debate. This, we intend to do. This, we will do at the earliest possible moment.

In the meantime, however, the President of the United States has asked that we delay consideration of the guarantee amendment for 120 days. Although Senator KASTEN and I would like to proceed expeditiously on this urgent issue, we have agreed to the President's request, confident that ultimately this issue will be brought to a successful conclusion.

And so, Mr. President, our decision this morning to formally introduce our absorption guarantee amendment begins the process of deliberation on this important issue. In doing so, we believe we are remaining true to our colleagues and our commitment to resolve this issue in comity with the administration.

We believe strongly that this proposal supports American national interests and that it will be treated with the importance it deserves.

In our many discussions, President Bush has assured us that he remains committed to the cause of Soviet Jewry and is cognizant of the significant impact that the influx of nearly 1 million new citizens will have on the Israeli economy—a 25-percent increase in the country's population in just 5 years.

It may be difficult for most Americans to imagine what this entails, but just imagine the whole population of France placed into the United States in 5 years. That is the effect this program will have on Israel.

We believe that the President recognizes the urgency of resettlement. We remain convinced of his sincerity on the matter of Soviet absorption and his

willingness to meet this great humanitarian challenge as he has met others in Ethiopia, Bangladesh, Kurdistan, and the Philippines—with compassion, with understanding and with characteristic American generosity.

Similarly, Senator KASTEN and I believe that the President recognizes the danger of resurgent Russian nationalism and anti-Semitism and the hardship which any slowdown in absorption could mean to many hundreds of thousands of Jews awaiting emigration.

Undoubtedly, the coming winter months will be difficult for the Soviet people. A counterrevolution, sparked by mass starvation and suffering, could bring totalitarianism back to the Soviet Union and lead, once again, to the captivity of the remaining Jewish population.

We hope and pray that this frightening prospect does not come true. We trust that in requesting a 120-day delay of our guarantee proposal, the President and his advisers have seriously considered this possibility and have drawn up plans accordingly.

Mr. President, over the past several weeks, Senator KASTEN and I have sought the bipartisan counsel of our colleagues on the matter of absorption guarantees. We have been most gratified by the overwhelming support which our proposal has received, as evidenced by the number of Democrats and Republicans who have asked to cosponsor our amendment. As my colleague, Senator KASTEN, has indicated, 70 U.S. Senators are cosponsors of this amendment.

There should be no doubt that the commitment of the American people to Israel remains strong. There should be no doubt that Congress will support loan guarantees to Israel—not because it is convenient or expedient, but because it is right.

For nearly a quarter of a century, the liberation of Soviet Jewry has been a cornerstone of American foreign policy. As Americans, as free men and women, we have yearned for the day when all of the captive peoples of the Soviet Union would be set free. Today, that time has come.

Let us not squander this great opportunity to make good our vows. History will judge us not by our proclamations, but by our deeds. The Soviet immigrants to Israel need our help. Let us be the first to answer the call.

EXHIBIT 1

AMENDMENT NO. 1247

On page 28, between lines 20 and 21, insert the following:

Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 226. LOAN GUARANTEE PROGRAM FOR RESETTLEMENT OF REFUGEES IN ISRAEL.—(a)(1) During the period beginning on October 1, 1991, and ending on September 30, 1996, the President shall issue guarantees against losses incurred in connection with loans to Israel for the purpose of providing economic assistance to Israel and the economy of Israel in connection with the extraordinary costs occasioned by Israel's humanitarian undertaking to resettle and absorb Soviet and Ethiopian refugees. The authority of this subsection is in addition to any other authority to issue guarantees for any such purpose.

"(2) The total principal amount of guarantees which may be issued under this subsection in any fiscal year shall not exceed $2,000,000,000, except that, in the event that less than $2,000,000,000 of guarantees is issued in any fiscal year, the authority to issue the balance of such guarantees shall be available in any subsection fiscal year ending on or before September 30, 1996. Each guarantee issued under this section shall guarantee 100 percent of the principal and interest payable on such loans. Loan guarantees shall be made in such increments as the government of Israel may request. The guarantee for each such increment shall be obligated and committed within 30 days of the request therefor, and the issuance of the guarantee for each such increment shall occur within 60 days of such request, unless a later date is selected by the government of Israel.

"(b) The standard terms of any loan or increment guaranteed under this section shall be 30 years, with semiannual payments of interest only over the first 10 years, and with semiannual payments of principal and interest, on a level-payment basis, over the last 20 years thereof, except that the guaranteed loan or any increments issued in a single transaction may include obligations having different maturities, interest rates, and payment terms if the aggregate scheduled debt service for all obligations issued in a single transaction equals the debt service for a single loan or increment of like amount having the standard terms described in this sentence. The guarantor shall not have the right to accelerate any guaranteed loan or increment or to pay any amounts in respect of the guarantees issued other than in accordance with the original payment terms for the loan. For purposes of determining the maximum principal amount of any loan or increment to be guaranteed under this section, the principal amount of each such loan or increment shall be—

"(1) in the case of any loan issued on a discount basis, the original issue price (excluding any transaction costs) thereof; or

"(2) in the case of any loan issued on an interest-bearing basis, the stated principal amount thereof.

"(c)(1) Before the issuance of the first guarantee under this section, the Government of Israel shall provide the President with written assurances that such loans will be used only for projects or activities in geographic areas which were subject to the administration of the Government of Israel before June 5, 1967, to be stated in the same manner as was provided in the grant agreement with Israel for fiscal year 1991 under chapter 4 of part II of this Act.

"(2) Section 223 shall apply to guarantees issued under subsection (a) in the same manner as such section applies to guarantees issued under section 222, except that subsections (a), (e)(1), (g), and (j) of section 223 shall not apply to such guarantees and except that, to the extent section 223 is inconsistent with the Federal Credit Reform Act of 1990, that Act shall apply. Loans shall be guaranteed under this section without regard to sections 221, 222, and 238(c). Notwithstanding section 223(f), the interest rate for loans guaranteed under this section may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with financing under this section in the event the borrower elects not to finance such costs or fees out of loan principal.

"(3) Notwithstanding any other provision of law, fees charged for the loan guarantee program under this section shall be an aggregate origination fee of $100,000,000, payable on a pro rata basis as each guarantee for each loan or increment is issued.".

The loan guarantees authorized pursuant to section 226 of the Foreign Assistance Act of 1961 (as added by this Act) for fiscal year 1992 and for each of the four succeeding fiscal years shall be made available without need for further appropriations of subsidy cost as the fees required to be paid by the borrower under section 226(c)(3) of the Foreign Assistance Act of 1961 reduce the subsidy cost to zero.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KASTEN. Mr. President, I yield such time as he may consume to the Senator from Pennsylvania [Mr. SPECTER].

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is now recognized.

Mr. SPECTER. Mr. President, I thank the Chair. I thank my distinguished colleague from Wisconsin, Senator KASTEN.

I commend Senator KASTEN and Senator INOUYE for their strong leadership on this very important subject. And I applaud the action of some 70 United States Senators who are standing together today on the introduction of this legislation which is an important statement of United States humanitarian concerns and a historic affirmation of the strong United States-Israeli relationship.

At the outset I articulate my own perspective and my own roots and the reasons why the humanitarian absorption guarantees are especially important to this Senator. My parents came from Russia. My father came from a small village, Batchkurina, in 1911, fleeing the oppression of the czar and the virulent antisemitism that was present in the Soviet Union in 1911 and remains to this day. My mother came at the age of 5 with her family from an area of Russia-Poland where the territory had been traded back and forth. So from my earliest days, I have understood the problems of Soviet Jewry and the special considerations in providing an opportunity for Jews to leave the Soviet Union.

In supporting this resolution, I do so as a U.S. Senator with the firm belief that this is very much in the national interest of the United States. And I say that, having been a student of the affairs in the Mideast for more than a quarter of a century. On coming to the U.S. Senate some 11 years ago, I sought membership on the Foreign Operations Subcommittee of Appropriations where I have worked with Senator INOUYE, Senator KASTEN—Senator KASTEN having been chairman of that subcommit-

tee for 6 years, Senator INOUYE having been chairman of that subcommittee for 4 years—and believe that the foreign aid and the humanitarian aid which has come forward from that subcommittee and then to the full Appropriations Committee and then to the Senate has been very important for U.S. national self-interest.

Foreign aid is unpopular, as we all know. And it is with some considerable political risk that 70 U.S. Senators step forward to cosponsor this legislation. This legislation is humanitarian legislation, that is not foreign aid and is a loan guarantee at no cost to the U.S. taxpayer, but it has a symbolic connection with the concept of foreign aid which we allocate for U.S. national self-interest. And the foreign aid allocation, which is about 1 percent of our gross Federal budget, is very important. Much of it might well come within the military budget. And the $5 billion which is allocated, $3 billion to Israel in foreign aid and $2 billion to Egypt, has a very important strategic importance to the United States and, dollar-for-dollar, yields greater results than the $150 billion which has been allocated on an annual basis to NATO for many, many years. The point is that foreign aid and the separate issue of loan guarantees need to be put in the proper perspective; it's good for promoting U.S. national security interests and global stability.

My preference on the loan guarantees legislation was the preference expressed earlier by Senator INOUYE, to proceed with it on our current appropriations bill and not be subjected to 120-day delay. With regard to the notion of linking loan guarantees with settlements—an action by the administration that led to the delay—it should be noted that the Arab nations did not require a commitment to halt settlements as a precondition to come to the peace bargaining table. This linkage issue was injected into the process after the parties had already agreed to meet to discuss peace. Linkage indicates a predisposition to the Arab side and undermines the foundations for a peace conference.

Because Congress was faced with a special request from the President of the United States to delay enacting the loan guarantee legislation, an accommodation was made. But it is the hope of this Senator that the strong statement by 70 Senators today and the strong sentiment which is present in the House of Representatives will be a strong signal that this matter should go forward and be enacted promptly at the end of the 120 days.

I applaud the efforts of the President and the efforts of the Secretary of State in moving forward on the Mideast peace process. And it has been a herculean effort by the Secretary of State, Mr. Baker, in what he has accomplished.

It has been my view for some time, Mr. President, that we had been moving in the direction of a Mideast peace conference—as a result of the changing situation in the Soviet Union—with the loss of Soviet economic support, Syria has been faced with new realities and I believe that they will have to consider the option of peace with Israel.

Egypt and President Mubarak have been supportive of American efforts to create such dialog. In contrast the Saudis owe the United States a great deal—and they owe Israel a great deal as well—for our efforts in defeating the menacing Iraq Army which had invaded Kuwait and which was poised in a position to invade Saudi Arabia.

I say candidly I have been disappointed with the Saudi response and would have expected more, and hope the Saudis yet will be more forthcoming for the Mideast peace process in recognition of Israel's tremendous sacrifice and restraint in absorbing 39 unprovoked Scud attacks and in not responding—at the request of the President of the United States—in order to hold the coalition together; a coalition which created the military victory which liberated Kuwait, saved Saudi Arabia, other Arab Gulf States, and doubtless contributed to the avoidance of tremendous additional destruction.

So the time is ripe to see the peace process go forward and it has been a concern of mine that in acceding to a delay in the request for loan guarantees that there would be a tilt, or the appearance of a tilt, toward the Arab nations. It is wrong to demand concessions by Israel before the bargaining process had begun. And it is my very firm view that the bargaining process has to be left to the parties and that there should not be any inference of the United States taking one side or the other as the parties move to the bargaining table.

A few years ago some 30 U.S. Senators signed a letter to Prime Minister Shamir urging the trading of land for peace, and I refused to join in that letter. I opposed it because I do not think that from this vantage point, thousands of miles from the frontier of danger in the Mideast, that those of us in this Chamber can tell the Israelis, or anyone else, what to do about issues of national security.

It may well be that Prime Minister Shamir has in his mind concessions on the issues of settlements. That is up to him and up to the negotiating parties to discuss. It ought to be remembered that when Prime Minister Begin negotiated with President Sadat of Egypt, that there was a cessation of the settlements for the time being as a judgment of the negotiating parties. There was also a concession of considerable land for peace when Israel returned the Sinai. So there are historical precedents where some flexibility might be expected. But it is not for the United States and it is not for the Senate to set forward conditions or to prejudice those negotiations in advance.

There have been strong expressions of support for the urgency and importance of loan guarantees from across the country. I regretted the statement which was made by the President about 1,000 lobbyists coming to Washington, DC, on September 12. The representatives of the national Jewish community are not lobbyists, but citizens exercising their rights in our political process.

It is a uniquely different category when citizens come to call upon their elected representatives with three specific guarantees in the first amendment: the right to assemble, the right to petition, and the right to freedom of speech. Such an activity is not a lobbying activity.

It is my hope that this action, with a very strong statement and the very courageous and brilliant leadership by Senator KASTEN and Senator INOUYE, will set the stage for moving through with completion of this legislation at the expiration of the 120 days, and in the interim, Secretary of State Baker will continue his road to success in bringing the parties to the bargaining table so that they make strike a balance and move ahead for peace in that very troubled region.

Mr. President, I ask unanimous consent that my prepared statement and a letter to President Bush be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 6, 1991.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I urge your Administration not to delay Congressional consideration on the issue of loan guarantees to Israel.

In my judgment, the issue of the loan guarantees should not be linked to West Bank settlements. I had thought that was the position of the Administration as well.

It also seems unwise to me to link the loan guarantees issue to a Mideast peace conference, because that linkage is likely to create more problems than it will solve.

I hope you had a somewhat restful summer. I have seen you frequently on the news and you are "looking good" notwithstanding the numerous problems you have had to deal with during your August vacation time in Kennebunkport.

I am sending a copy of this letter to Secretary of State Baker.

My best.

Sincerely,

ARLEN SPECTER.

STATEMENT ON LOAN GUARANTEES FOR ISRAEL

(By Senator Arlen Specter)

I believe that the approval of loan guarantees for Israel is in the best interests of the United States and can contribute significantly toward achieving peace and stability in the Middle East. From both a fiscal and

humanitarian perspective, Congress should immediately approve these guarantees and proceed on our regular schedule to enact the Foreign Aid Appropriations Bill.

While I applaud the efforts of President Bush and Secretary Baker in arranging a Mideast Peace Conference, I oppose their request for a 120-day delay on the loan guarantees. This humanitarian aid should not be linked to collateral political considerations, including settlements. Moreover, Israel should not have to be compelled into making concessions even before the Conference's negotiations even begin.

It should be recalled that loan guarantees were not previously a factor in the evolving peace process. The Arab countries invited to the Conference accepted the invitation without any concession by Israel to cease settlements. Also, Israel abided by a special U.S. request not to bring up the loan guarantee issue last Spring while it was enduring 39 Scud attacks from Iraq without retaliation. (The Israelis suffered over $3 billion in physical damage and a loss in tourism as a result of the attacks.) Because of the Persian Gulf war, Israel agreed to an Administration appeal to wait until Fall before making the loan guarantee request. This agreement was well known, and it has been public knowledge for months that the Israelis would repeat the request in September.

The most distressing aspect of the Administration's attempt to delay the loan guarantees is that it puts at risk the thousands of men, women and children seeking refuge from anti-semitism and political uncertainty. No one knows when the doors will shut on emigration. The changes in the Soviet Union have been rapid and the government is still very unstable. With the rise of nationalistic movements in Eastern Europe, virulent anti-semitism has again been unleashed and should not be underestimated.

On the fiscal merits alone, the loan guarantees for Israel make good sense. Israel is one of the few nations that has never defaulted on a loan and maintains a highly favorable debt portfolio. Loan guarantees are not in the same category as the $7 billion in foreign aid debt that the Administration urged Congress to forgive earlier last session. Loan guarantees are not part of the foreign aid budget. By extending such guarantees, the U.S. government would not in any way limit its ability to provide capital for domestic programs. The guarantees would simply allow Israel to borrow at lower interest rates for longer periods of time.

The proposed loan guarantees, allocated at $2 billion a year for the next five years, would also have a positive impact on the U.S. economy. Much of the money borrowed is expected to come from the American banking community, who would benefit by servicing the loans. A major portion of the loan money would also be spent on American builders and suppliers in the construction and housing industries, generating jobs for American citizens and revenue for American business. Judging from past experiences, the government of Israel estimates that over $30 billion in goods and services will be imported from U.S. businesses.

Guaranteed loans are essential for Israel's absorption of immigrants, especially since the Israelis are already heavily taxed to meet their national security needs. In 1991 alone, Israel will have to spend over 20 percent of its budget on immigrant absorption. The harsh reality is that soviet immigrants are only permitted to leave with about $100 and a few belongings; the recently rescued Ethiopian Jews came to Israel with even less. Because of these circumstances, the cost to transport these immigrants to Israel, feed, house, and then assimilate them into the culture and economy is astounding. Estimates are that it will cost more than $50 billion to settle the immigrants. The situation is analogous to the United States absorbing some 60 million people, or the entire population of France.

In conclusion, the challenge of emancipating and resettling over one million Soviet and Ethiopian Jews has been a moral quest for many in Congress over the years, including myself. Now that this historical opportunity has finally arrived, we must meet the obligation of ensuring their welfare. To abandon the cause of these immigrants at this stage would be wrong.

Mr. KASTEN. Mr. President, I first of all want to thank the Senator from Pennsylvania, not only for his very strong statement but for his help and his support and his leadership on this issue over the past several months.

A number of us have been working on this issue, going back into last spring, and the Senator from Pennsylvania has been part of this working group. His strong support, his leadership, his efforts are greatly appreciated, I know, by Senator INOUYE, also. We look forward to working with him and working together.

Mr. SPECTER. Mr. President, I want to thank my distinguished colleague, Senator KASTEN, for his generous remarks.

Mr. KASTEN. Mr. President, I yield 5 minutes to the Senator from Iowa [Mr. GRASSLEY].

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized for 5 minutes.

UNITED STATES LOAN GUARANTEES TO ISRAEL

Mr. GRASSLEY. Mr. President, I rise today to express my support for the Kasten-Inouye legislation which provides United States loan guarantees to Israel to assist in that country's historic absorption of Soviet Jewish immigrants.

The controversy surrounding these guarantees in recent weeks has, in my view, obscured the essence and importance of this issue. Loan guarantees to Israel are the fulfillment of a commitment made by this Congress more than a decade and a half ago with the passage of the Jackson-Vanik legislation. Since that time, the free emigration of Soviet citizens has been a central tenet of United States foreign policy toward the Soviet Union—one that nearly every Member of this Chamber has fought for in some manner. In my view, it is most unfortunate that the moral obligation associated with this humanitarian endeavor has become embroiled in the political conflicts of the day.

Mr. President, I am especially proud and gratified that my efforts on behalf of Soviet refusenik families may have contributed to the freedom that so many of those families now find in Israel. The 350,000 Soviet immigrants now living in Israel—and the nearly 100,000 Soviet immigrants coming to this country—were allowed to leave the Soviet Union in large measure because of United States pressure and perseverance. As such, I truly believe the United States has a responsibility to follow through with its commitment to free emigration.

Loan guarantees are the most cost-effective way for the United States to provide a helping hand and a brighter future for these new immigrants. Guarantees are not grants, nor are they loans. A United States guarantee will simply allow Israel to receive more favorable lending terms on the private market and thereby allow the Israeli economy time to reap the benefits of this highly educated and talented wave of immigrants.

Just last week I expressed these sentiments to Deputy Secretary of State Lawrence Eagleburger in his testimony on refugee policy before the Judiciary Committee. At that time, Secretary Eagleburger stated that the United States has a "clear responsibility with regard to those who emigrate from the Soviet Union, either to the United States or to Israel." He went on to say that, "it is also clear that the United States recognizes we have an obligation to assist Israel in the absorption of those Soviet Jews."

Mr. President, I welcome the statements of Secretary Eagleburger. It is my hope that the administration will not allow political disagreements—or issues surrounding the Middle East Peace Conference—to stand in the way of the stated United States obligation to Soviet immigrants. I, therefore, urge my colleagues to support the Kasten-Inouye legislation.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am pleased to yield to the Senator from Illinois, a Senator who has been a pioneer in this noble humanitarian effort to assist the people of the State of Israel.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

LIVING UP TO OUR RESPONSIBILITIES

Mr. SIMON. Mr. President, I thank my colleague from Hawaii. Let me just add, not in relationship to this, and yet in a very real sense in relationship to this, he has been a superb leader on this issue and on other issues. And until this session of Congress, I had not served on a committee with the senior Senator from Hawaii. I serve on the Select Committee on Indian Affairs, as does the Presiding Officer, Senator REID. Senator INOUYE gets no great credit back in Hawaii for his leadership, and he has just done a superb job and I am very grateful to him.

Mr. President, I think what Senator INOUYE and Senator KASTEN have done,

and many of us who are cosponsors, it is important for us, among other things, to live up to our responsibilities. We have properly pushed the Soviet Union to permit people to emigrate, but we have in the United States restricted the number of people who can come in. There is only one other place they can go, and that is to Israel.

I happen to differ with the settlements policy of the Government of Israel in terms of the Gaza Strip and West Bank, but only 1.6 percent of the Soviet immigrants are being settled in those areas, so that is an issue that has been blown out of all proportion.

I think, secondly, speaking candidly, it has not been well handled by the administration. You do not punch your friends in the nose publicly. I think phone calls to the Prime Minister of Israel, as well as the Arab leaders, as well as the leaders of Congress, saying we are just going to postpone this for 120 days would have been much better than proceeding as we are. But I am pleased that there is at least some form of informal agreement to move ahead.

I stress that this is a loan guarantee and up to this point, we have had not a single penny lost to Israel because of loan guarantees, so that we are not talking about money being taken out of the U.S. Treasury if the present pattern continues in terms of Israel.

I will add, I applaud the job that Secretary Baker is doing to bring the parties together.

I think all of us, no matter what our party affiliation, no matter what our inclinations, are appreciative of this. In my own experience in labor management relations and other things, if you can get people together around a table, you are halfway home. It looks like a reasonably good shot that we will get people together around the table.

Finally, Mr. President, Senator SPECTER made a good point in that it is up to the negotiators. What we have to do is to facilitate bringing them together. But at that point it is really up to Israel and the Arab nations to try to work out a settlement. I hope they can. I think there are reasonable prospects that they can.

If we would refrain from talking about East Jerusalem, I think it would be helpful. We raise false fears in Israel and false hopes on the Arab side. I can give you a dozen possible scenarios of solving this problem. Not a single one of those includes dividing Jerusalem again. But, again, I am pleased to be a cosponsor. I commend Senator INOUYE and Senator KASTEN for their leadership on this. I think we have eased ourselves out of a very awkward situation.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KASTEN. Mr. President, I yield 5 minutes to the Senator from Minnesota [Mr. DURENBERGER].

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized for 5 minutes.

ISRAEL LOAN GUARANTEES

Mr. DURENBERGER. Mr. President, I rise to offer my support and cosponsorship for the measure introduced by my distinguished colleagues, Senators KASTEN and INOUYE, regarding loan guarantees for the absorption of Jewish refugees into Israel. This important financial commitment is consistent with America's centuries-old tradition of encouraging the free emigration of people living under oppressive political conditions.

Mr. President, for almost 20 years, a major predicate of America's foreign policy and international trade policy has been the idea that the Soviet Union and other closed societies must permit free emigration in order to secure normal trade relations with us. The Jackson-Vanik amendment was a milestone in U.S. foreign policy. A landmark event in U.S. efforts to free captive peoples. Now they are free.

In the past 2 years, our unwavering commitment to free emigration has finally borne fruit. A massive wave of immigration into Israel began in 1989 and continues today. Since then, nearly 350,000 Soviet and Ethiopian Jews have emigrated to Israel, and it is estimated that the total will reach 1 million by the end of 1995.

Mr. President, as a nation built by immigrants fleeing religious and political persecution we have a special responsibility to assist Israel in absorbing this massive new wave of immigrants. While we have prodded the Soviets for decades to open their borders, we have not raised our own refugee immigrant ceilings to accommodate the vastly increased numbers of Soviet immigrants that have now been allowed to leave.

In fact, ever since the late 1980's, when the United States began in-country immigration processing in the Soviet Union, it has become far more difficult for Soviet citizens to emigrate to the United States than when the Rome-Vienna immigration pipeline was open. Where else can these immigrants turn except to Israel? And is it not our responsibility to facilitate their absorption in Israel if we are unwilling to accept them?

Mr. President, I believe that nearly all of my colleagues and certainly the President of the United States are committed to granting these loan guarantees. Unfortunately, the issue of loan guarantees has become intertwined with the political and diplomatic efforts surrounding the upcoming Middle East Peace Conference.

I have considered the President's request to delay consideration of these loan guarantees on its merits and its implications not only for the peace process, but for its impact on the mission of helping Israel absorb its new citizens.

Although I am not fully persuaded that considering the loan guarantee now would derail the peace process, I believe Congress should defer to President Bush and Secretary Baker in a matter of such delicate and sensitive diplomacy. The Congress should support the President in his request for a 120-day delay, and I have done that over the last month.

At the same time, I want to strongly reiterate my view that the lives of the Soviet emigres currently flowing into Israel should not be held hostage to the diplomatic maneuvering that is preceding this peace conference. And there should be no linkage between these loan guarantees and any of the issues that will surely arise in the upcoming negotiations.

Every Arab and Palestinian representative who sits at the peace table should know in advance that the United States will not be looking over the shoulder of the Israeli negotiators second-guessing their bargaining strategy with the threat in January or February of withholding this humanitarian assistance if we disagree with that strategy.

Mr. President, I believe the Israeli Government is making a fundamental political and diplomatic mistake in pursuing the settlement policy in the occupied territories. I have never condoned that policy.

I think we ought to recognize the need to address legitimate Palestinian concerns in the territories. It seems to me that during the course of history, the Palestinians have been caught in the struggle for control of land where they too have lived for many years. That struggle continues today. The land keeps changing hands all of the time, often at the expense of the Palestinian people who genuinely want to live in peace with all their neighbors.

Mr. President, the legislation I am cosponsoring requires the Government of Israel to provide the President with written assurances that these loans will be used only for activities in geographic areas subject to the administration of Israel prior to June 5, 1967.

Those assurances, however, do not guarantee that new settlements in the occupied territories will not be constructed during the peace negotiations. It only assures that funds obtained with U.S. guarantees will not be used in the occupied territories.

Although I do not believe Israel's settlement policies are helpful in resolving matters that divide Israel and its neighbors, that is a matter that ultimately must be resolved in face-to-face negotiations between Israel and its Arab neighbors. Certain segments of Israel's Government and population have insistently refused to give up any of

the territories, but Israel has clearly stated that this matter is on the table. It is negotiable.

Mr. President, When we return in January I expect that we will expeditiously move to grant these loan guarantees. I do not expect, and will not accept, any further delays in the grant of this humanitarian assistance. Let the Israelis negotiate all of the difficult issues with Syria, Jordan, and all of the Arab and Palestinian representatives without any linkage to this humanitarian assistance.

This humanitarian assistance should not and will not be held hostage to Israel's bargaining position at the peace conference. Hafez al Assad should know that what he cannot get from the Israelis, he will not get from the Senate.

Mr. President, the United States should be proud of its role in bringing about the increase in Soviet emigration as well as the Ethiopian exodus. My friend, our former colleague, Senator Rudy Boschwitz played a personal and very effective role in helping Ethiopian Jews emigrate. We should now follow through on this decades' long commitment. Helping the new immigrants help themselves is an honorable enterprise, and we should be proud that we can contribute to Israel's efforts.

Mr. President, I yield the floor.

Mr. KASTEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin yields time.

Mr. KASTEN. Mr. President, I yield what time he may desire to the Republican leader, the Senator from Kansas [Mr. DOLE].

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank my colleague, the distinguished Senator from Wisconsin [Mr. KASTEN].

Mr. President, I want to take this time to personally thank my colleague from Wisconsin, Senator KASTEN, and my long-time friend from Hawaii, Senator INOUYE, for the very constructive role they have played over the past several weeks. This is a very explosive issue. There have been a number of frustrations expressed by people on both sides of the issue, and certainly it is a matter of great importance to the United States and to the State of Israel.

We do have a very unique relationship with Israel, no doubt about it. It has been there for a long time. It is going to continue. I believe the role that has been played by Senators INOUYE and KASTEN has been very important in underscoring the importance of that relationship and in keeping everything on sort of an even keel until we can fully discuss this matter sometime early next year. I am not certain whether the Senators have set a date. There are questions to be asked, as indicated by the distinguished Senator from Minnesota [Mr. DURENBERGER]. There will be debate. There will be questions. There will be differences of opinion. But the important point is that now we have temporarily resolved this matter because of the personal efforts of my colleagues, Senator KASTEN and Senator INOUYE, and for that everyone in this Chamber is very grateful.

So I want to commend the distinguished Senator from Hawaii [Mr. INOUYE], and in particular, my Republican colleague, the distinguished Senator from Wisconsin [Mr. KASTEN], for their statements.

The Senate has no more responsible and able Members than the Senators from Hawaii and Wisconsin. And, in a Senate where Israel can count 100 firm friends, it has no stronger supporters than the Senators from Hawaii and Wisconsin.

Today's statements by Senators INOUYE and KASTEN reflect both of those facts.

There is no question that Senator KASTEN, in offering the proposal on loan guarantees which he coauthored with Senator INOUYE, is reflecting the virtually unanimous sentiment in the Senate that we should help Israel absorb the huge influx of Soviet Jews which continue to pour in every day.

We should offer support because of our longstanding efforts to achieve free emigration for Soviet Jews; because of our special relationship with Israel, and our wish to help it face up to this critical challenge; and most of all because it is the right thing to do.

And, judging by the statements of the President and other senior officials, I don't think there is any question that the administration also supports the concept of assisting Israel confront this monumental task.

So the issue is not whether—but how and when.

In agreeing to the President's recommendation that we postpone consideration of this issue until January or February, Senator KASTEN is demonstrating the kind of responsible leadership that has characterized his service in the Senate. He is going for cooperation—not confrontation; he is helping to bring us together on an issue where we should be together—not dividing us.

There will be serious debate and perhaps some differences of opinion over aspects of the Kasten-Inouye proposal in January, or whenever this issue comes to the floor. While—as I have said—there is near unanimous support for the concept of helping Israel, real questions and concerns remain over just how that should be done; and whether and how our assistance should be related to broader issues, such as Israel's settlements policies. The President certainly has some concerns in these areas, I do, and others do, as well.

So we all look forward to responsible, lively debate in January. It is the way we get things done. It's called the democratic process.

I am confident that, out of that process, we will end up with the best policy and program—the best to help the Soviet Jews, the best to strengthen long-term United States-Israel relations, the best for advancing the chances of peace in the Middle East, and, most important of all, the best for America.

Mr. INOUYE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am pleased to yield to a steadfast supporter of this humanitarian effort to assist the people of the State of Israel, the Senator from Maryland [Ms. MIKULSKI].

The ACTING PRESIDENT pro tempore. The Senator from Maryland is now recognized.

ISRAEL LOAN GUARANTEES

Ms. MIKULSKI. I thank the distinguished chairman of the Subcommittee on Defense Appropriations for yielding me this time on the bill he and the Senator from Wisconsin have introduced.

Mr. President, make no mistake, I am a steadfast supporter of this bill, which will provide $2 billion in loan guarantees for 5 years to the State of Israel to deal with the most compelling humanitarian exodus that Israel has faced in this century and perhaps ever.

Mr. President, I commend my two colleagues, the authors of this bill, for providing the type of leadership that they have on this issue, No. 1, not only to meet the compelling humanitarian situation but, No. 2, to go about it in a way that does not exacerbate the discontent either in Israel or the United States on this particular issue.

Mr. President, my constituents have said to me that they are concerned about this issue. They raise many concerns.

In speaking on behalf of the amendment I would like to clarify for them what I think some of their concerns are. As I move around Maryland, whether it is in the suburban shopping malls of Montgomery or Prince George's County, to Hagerstown, Highlandtown, Crisfield, or Cockeysville, people say, Why are we giving $10 billion this year to the State of Israel?

Mr. President, there is a tremendous misconception. This question is based on an assumed fact. They think we are going to give $10 billion in cash to the State of Israel or $10 billion in an actual cash loan to the State of Israel; that is, $10 billion this year when we have so many compelling needs here in our own country.

Mr. President, I want to set the record straight for both the people of Maryland and for the people of the United States of America.

First of all, let me say this: this money we are talking about is not cash to the State of Israel. It is a loan guarantee. It means we back up a loan that Israel will take in the world market to be able to deal with the influx of immigrants. Our loan guarantee will enable Israel to borrow at lower than current interest rates, which means the money will go to help people, and not to pay interest rates. We will not be giving any cash to Israel this year, next year, or the year after on the loan guarantee issue.

When people say what about the needs in our own State, believe me, I am well aware that right this minute Governor Schaefer is looking State troopers in the eye and saying I have to take you off of I-95, the corridor of cocaine, because we are facing budget deficits. Right now the Governor is saying to the people of Maryland, I will have to ground a Medevac helicopter needed to rescue people in the trauma of accidents.

So, Senator BARBARA MIKULSKI is not for some program that would take the money out of the needs of our own country and go to another. Mr. President, I am telling you that this bill will not do that.

Right now, in our own appropriations bill, Marylanders are very much on my mind, whether it is a modest $2 million to reseed the oyster beds of the great Chesapeake Bay so my Maryland people can be out there earning a good living knowing that in the State of Maryland good environment is good business, or whether it is the funds we have to bring back into Maryland to make public investments in Goddard or the National Institutes of Health, major employers in my State creating new ideas that will lead to new jobs and new products that we can sell around the world. In my own State where we are facing the trooper layoff the Federal Government, with the leadership provided by Senator SARBANES and me, has funds coming in called Project Achilles to go after the drug pushers in the Washington suburbs and in the Baltimore metropolitan area.

So the people of Maryland should know that Senator BARB MIKULSKI is absolutely on their side.

While we are looking at that, I also must say quite candidly that I was in Israel this summer. I saw a compelling humanitarian need—14,000 Ethiopian Jews airlifted in 48 hours from an area of great civil war and strife, brought to the State of Israel. The men and women who got off that plane from Ethiopia are not only from this century, because of their rural isolated background, but they are from another millenium. Helping them move into the 20th century, from essentially a 14th-century lifestyle, will take three to five generations. Certainly, we can provide a backup to the State of Israel to help them.

At the same time, we have looked at the collapse of the Soviet Union. The good news is that maybe the cold war is coming to an end. Time will tell. But we do know that with the rising tensions in the Soviet Union there is increased hostility toward Jewish citizens and that the need to move to Israel for all who can go and all who want to go is indeed important. For the Soviet Jews who are able to leave, we must not only work with them to provide housing but to provide the kind of economic stimulation that will attract private investment to create jobs and a viable economy.

Mr. President, I really do support loan guarantees. I really prefer no delays, no linkages, and no conditions. But this Senator does not want to be in a prickly relationship with the President of the United States as he conducts foreign policy. I believe that it is the intent of the Congress of the United States to work with the President on peace in the Middle East. But make no mistake. Saddam Hussein did not invade Kuwait because he was cranky with Israel over the Arab-Israeli situation. I want to note that only Israel has been asked to make sacrifices; there has been no calling for sacrifices from any of the Arab nations as they move towards the peace talks.

Yes, there are policy differences on the settlements issues. Policy differences always occur in democratic nations. But where there is absolutely no disagreement is the need to help Israel to be able to help itself deal with the migration and immigration of Soviet Jews and Ethiopian Jews. We are not giving them cash. We are giving them a loan guarantee framework to enable them to help themselves and help the people who came, against incredible odds and under compelling needs, to the State of Israel.

So though I regret the delay, perhaps it would give one pause. I hope that the President will cooperate with the Congress in coming forth with a policy and fiscal framework that the House, Senate, and the President can support.

So, Mr. President, I want to once again conclude by thanking Senators INOUYE and KASTEN for their leadership on this. We are moving to a new century. It is a new world order. I think we need to promote those allies that have stood with us during the old century.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii has 23 minutes, and the Senator from Wisconsin has 15 minutes.

Mr. KASTEN. Mr. President, I yield such time as he may desire to the Senator from Oregon [Mr. PACKWOOD].

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I thank the Chair and my good friend from Wisconsin.

I very strongly support the loan guarantees for the resettlement of refugees in Israel. I want to divide the reasons for my support into two, if I might.

One, let us take the straight out cost factor. This is not going to cost the United States anything. We are guaranteeing a loan to Israel. Israel has never reneged on any of its debt. This is not some bandit country, some country whose creditworthiness everybody questions, and any time you give them a loan guarantee, you might as well be giving them a grant. That is not Israel.

So let us set aside the cost argument and make sure that the public understands this is not a foreign aid grant. This is a guarantee of credit so that Israel can borrow money at the cheapest possible rates for a short period of time to resettle what is going to be a deluge of refugees.

To put it in perspective, from just Russia alone—Lord knows Israel has been a haven for Jews from all over the world, but from just Russia alone, Israel in the next 2 to 5 years will have to resettle in Israel the equivalent of the United States trying to resettle the entire population of France in the United States.

So it is a mammoth undertaking. But that is the straight kind of crass financial issue. I would hope that no one would quarrel with that.

I would rather now talk about the moral issue. I want to emphasize morality rather than pragmatism. We always talk about Israel as a great ally. They are. America should be so lucky to have such allies elsewhere in the world. We have often said we need this vital listening post, this bastion of democracy in the Middle East. And in an era of troubled relations with all the people in the world, thank goodness we have a good ally.

The problem with that argument is that allies, unfortunately, are shifting acquaintances on occasion. It is amazing that we can fight Germany and Japan, and 5 years after the war is over, they are our strongest allies.

So what I fear, if we put this on a straight pragmatic basis as if, indeed, Russia, the Soviet Union, is finished for a generation as a major power and if, indeed, some of the Arab countries are recasting their views about America with Russia gone, I would hate to think that there might start to grow in this country a feeling, well, we do not need Israel quite as much anymore, the danger has passed.

No, Mr. President, I want to talk strictly on a moral ground, and I will say it flat out: I think Israel has a better claim to the West Bank, or Judea and Samaria, as it is called, than any other country. If you look at history they have far and away the best claim. If you look at Israel at the time of Solomon, and that is roughly the zenith of the united kingdoms, Israel included

all of what is currently Israel and a little of Jordan, and a little of Lebanon, and some of Syria. This was legitimately Israel. The Jewish people in that area were a majority of the population for the better part of 1,400 years.

Then, starting a few hundred years before Christ and continuing on with the Romans, starting with the Syrians, and going through the Romans, the Jews were expelled from their own country, the diaspora. They were forcibly evicted and scattered about the world. And I know nothing in Judeo-Christian, or Anglo-Saxon, or any other law that says you lose your right to your land when you are forcibly dispossessed of it. But they were.

People say that is old history; that is thousands of years ago; that claim does not count. I think it does count, and I think their claim is better than anybody else's.

Let us lay that aside. Who else controlled this area? Rome did for about 600 years. I have seen no one suggest that Italy should get the West Bank because of 600 years of Roman rule. Turkey had it for 1,500 years, roughly, to the end of World War I. I have not heard suggested seriously that Turkey should get the West Bank. Then, of course, at the end of World War I—Turkey having allied itself with Germany—France and Britain took the entire area, except for Saudi Arabia. It is ironic, but nobody wanted it. There was nothing there. France and Britain took the entire area. There were no countries as we understand the countries. It was just a Turkish mandate. Britain and France took the area. France and Britain took what became Lebanon, Syria, Iraq, Jordan, and Israel, and divided it between them.

In the English portion of what is now Israel and Jordan, from that portion, called the Palestinian mandate, there was a promise made that there would be a homeland carved for the Jews. In 1921, England satisfied the Emir Abdullah, grandfather of the present King Hussein of Jordan, who had a good army, and gave him a country that had no history at all—Transjordan, everything east of the Jordan river. It was about 80 percent of the geography of the Palestinian mandate, and world Jewry did not complain. The Jews living in Jordan were expelled. What traditionally and historically had been part of Israel, Jews were now denied access to. Israel had no complaint.

Now we have left in the British mandate what is currently Israel, and during the twenties and thirties, Britain could not keep these. The Arabs did not like them. Soldiers were getting shot and kidnaped. Great Britain said, "we are going to divide this up and get out." In 1937, in the Peel Commission, they suggested a division in which the Arabs would get the Negev, the desert in the south, the West Bank, part of the north; the Jews would get a fair portion in the north, and Britain would keep Jerusalem and a little corridor to the sea. Jerusalem, the holiest city of the Jewish religion—Britain would keep it all. The Jews said they would agree to that. The Arabs turned it down.

In 1938, the Jewish Agency suggested a division of the remainder of the Palestinian mandate, and they suggested—this is a Jewish recommendation—Arabs would get the Negev, the desert from the south, West Bank, and Jerusalem would be divided, half of it being Jewish, Britain keeping the other half. They did not ask for a united kingdom or united Jerusalem at the time. The Arabs turned it down.

After the war in 1946, another partition was suggested by the Jewish Agency. This time Israel would get the Negev. There had been settlements along there. The West Bank and Jerusalem would be internationalized. The Arabs turned it down. In 1947, the British said we are leaving. We have had the King David Hotel blown up, and soldiers were killed, not unlike our experience in Lebanon. They said, "we are leaving," and they gave it back to the United Nations.

The United Nations suggested a partition in which the Arabs get the West Bank, Israel gets the Negev and most of the north, and Jerusalem would be internationalized. The Arabs turned it down. The Jews accepted all of these partitions that were suggested, that Israel should give up land for peace—they have never gotten peace, but they have given up land. They have given up the Sinai three times in 30 years. They took it in 1956, then after the 1967 war, and in the Yom Kippur war. They gave it back every time in the hope of getting peace.

All during these different eras when the British had Palestine, the Arabs could have had peace and the West Bank, and before World War II, the Negev, and a divided or internationalized Jerusalem, on every occasion the Jews accepted, and the Arabs turned it down.

Then when the Union Jack comes down on May 15, 1948, and the United Nations recognizes Israel, Israel is attacked from all sides. How they ever made it, I do not know. In that war for independence, they hung on. The territory that Israel succeeded in holding in that war was slightly expanded from the United Nations partition, but not significantly different. The Arabs ended up holding the West Bank, and Jerusalem was divided. That was the situation until 1967.

In 1967, of course, Egypt and the Arab countries were getting ready for an attack. Israel's intelligence was good. On the morning Israel thought the Arab attack was probably going to come—because every morning Egyptian pilots were in their planes on the runways—they made a preemptive air strike and destroyed the Egyptian Air Force on the ground before it ever got off.

That morning, Israel told King Hussein of Jordan to just hold his position. He tried to annex the West Bank as part of Jordan. Only Pakistan and Great Britain recognized the annexation. But he had it. Israel said to King Hussein, you just hold your position, and do not move, and we will not attack you. King Hussein could not resist the temptation to drive west toward the Mediterranean. There was only 10 miles from the West Bank to the sea. He wanted to divide Israel north and south. He was unsuccessful in some of the toughest fighting that came in the 1967 war in the West Bank and in Jerusalem. Israel took it.

They have held it ever since.

Now the question becomes if we are going to go to this peace conference, the argument is if Israel settles in this area, is it going to disturb the peace conference? Therefore, we should not have any loan guarantees unless Israel promises not to settle—translated unless Israel promises to give up their claim to this land.

Mr. President, first they have a better moral claim to it than anybody else—a better moral claim.

Second, Israel has shown time and time again that it is willing to give up land in the hope of getting peace.

I said they gave up Suez three times, the Sinai Desert four times between 1937 and 1947 with different partition plans which they would not have gotten Jerusalem and would not have gotten the West Bank and would not have gotten the Negev. They said we will accept it. They got turned down by the Arabs every time.

So now we come to this year and this issue and the issue of whether this Senate should authorize the United States to guarantee Israel's bonds so that they can settle principally Russian Jewish immigrants. We are all but saying we are not going to do it if you are going to settle in the West Bank.

I would make this argument: Today it is all right for a Frenchman to buy land in the West Bank and live there. It is all right for a Canadian to buy land. It is all right for an American unless you are Jewish. If you are a French Jew or a Canadian Jew or an American Jew, it is alleged there is something wrong with you buying land in the West Bank.

Mr. President, no settlement—and I do not mean this in the sense of settlers—of the problems in the Middle East is going to work unless the parties that have to bargain it actually bargain it and live with it. If it is imposed from the outside, if we think we know the answer, if we think we know how the Jordan River ought to be divided for irrigation purposes, if we think we know where the line ought to be, we say Arabs on one side and Jews

on the other, and the parties do not want it, we are going to be like the British in Palestine. We are going to have a quarter of a million troops and try to police our idea. The answer is we would have as much staying power as we had in Lebanon.

So our position ought to be this:

One, Israel has a better claim to the West Bank, Judea, and Samaria than anybody else, a better claim historically, a better claim morally, and it should not be our position to try to tell Israel what they should do with their own land.

Two, the loan guarantees are not going to cost us anything and they are solid.

Three, with the loan guarantees Israel ought to be able to settle their people wherever they want in their historic lands, and that includes the West Bank.

Four, the Arabs have not made a precondition to going to this peace conference. If it ever gets going, they have not made a precondition that Israel must quit settling the West Bank. We seem to be the one that wants to make that condition and we should not.

Five, let this peace conference start. Let us see what demands are made on Israel. Let us see what demands Israel makes of the Arabs. This peace conference may not be over in a month. It may not be over in a year. It may not be over in 5 years. The people in the Middle East lived together for the better part of 5,000 years and they know each other pretty well. And sooner or later peace will come. Sooner or later another Arab country, just as Egypt did, will say it is not worth the candle. Let us sign a peace treaty with them, and in exchange for signing the peace treaty, let us see what they are willing to give. I want to emphasize "what they are willing to give," not what we think they ought to give. And my hunch is Israel will probably give up more land than I would give up given the same situation. But that is not my choice to make; that is Israel's choice.

If it is going to take another 5, 10, 15, or 20 years for final peace to come to the Middle East, the United States should have patience and we should continue to supply Israel and we should make sure we guarantee these loans so they can settle an immense increase in their population. That ought to be the limit of our policy and the end of it—supply and patience.

If we do that, it is not going to be just a victory for Israel. If we do that, it will eventually be a peace settlement in the Middle East, and I would like to think that that is in America's interest.

So, Mr. President, I very strongly support the efforts of the Senate to pass these loan guarantees, and I would hope it would pass unanimously.

I thank the Chair.

The PRESIDING OFFICER (Mr. SANFORD). Who yields time?

Mr. INOUYE. Mr. President, I am please to yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. GRAHAM. Thank you, Mr. President, I appreciate the generosity of the floor manager and our distinguished colleague on this matter.

Mr. President, for more than two decades, the United States has had as one of its priorities in our international relationship with the Soviet Union to have that nation ease its emigration policy. Many of us have been involved over the past several years in individual cases of persons who had been denied the right to emigrate, year after year, for what appeared to be transparent rationale.

We now are seeing the tangible results of those over 20 years of effort to reform the Soviet's emigration policy. Approximately 180,000 Soviet Jews were able to leave the Soviet Union last year, more than any previous year. Hundreds of thousands more are expected to leave in the months ahead.

This is the kind of success that we have been working, literally years to accomplish. This is not the time, now that our policy has succeeded, to walk away from success. We must complete the task.

Let me remind my colleagues that this is a humanitarian task, a task which is in the best traditions of America from the Declaration of Independence to today.

As unrest and uncertainty spread to the Soviet Union, we find ourselves working against the clock to get these people out. There are reports that some Republics are already beginning to throw obstacles in the way of those wanting to emigrate. There is concern that, as the control of the central government is lifted, those enclaves of minority populations within certain Republics may become more vulnerable, more exposed to attack, more subject to anti-Semitism. It is for those reasons, Mr. President, that I strongly support the Inouye-Kasten proposal.

Mr. President, if the Congress decides to delay moving on this legislation, we do so only in deference to a President who has decided that delay is a prudent step to promote peace in the Middle East. I, for one, have serious reservations, whether a delay will improve the chances of gaining approval of these guarantees.

I am convinced that this objective is shared by the majority of this body. The fact that almost 70 of my colleagues have cosigned this legislation is evidence of that.

I am deeply concerned that by delaying action until the first of next year, we will face an even more daunting environment.

First, I am not optimistic that the peace process we are now embarked upon will produce the results that we had hoped for. If it breaks down, I fear that Israel will be cast as the responsible party, no matter what.

Second, even if the peace process is successful, I believe it will usher in only a cold peace, much like the one that characterizes the peace between Israel and Egypt.

Third, unless our own economy improves between now and the first of the year, we face an even more difficult task of making the economic argument even though it is clear that Israel will bear the complete cost.

In fact, Israel has a perfect credit record, having never defaulted on a loan. Not only will the U.S. taxpayer be unaffected, but our own businesses actually stand to gain from increased exports as Israel purchases capital goods for industries, equipment, computers, and raw materials.

Mr. President, I would say that in my own State, several of our leading business persons are now actively involved in the resettlement process within Israel, including the provision of facilities for resettlement utilizing United States products to do so.

Despite these facts, a worsening U.S. economy will make it harder to get these points across to the American people.

We have already seen some of the confusion where people thought that the United States was making a $10 billion grant to the State of Israel or a $10 billion loan. There has been a failure to clearly communicate what is the character of the economic relationship, which is neither a grant nor a loan but a guarantee of loans which will be undertaken by the State of Israel.

Finally, next year will be a Presidential election year. I do not need to remind my colleagues the problems that that will create in debating this measure in that environment.

Mr. President, I cite these points because I do not want this Senate to walk away from a historically successful policy that will affect literally hundreds of thousands of men, women, and children.

Since the mid to late sixties, the United States has had as a policy goal free and open Soviet emigration. The Soviets were slow to respond. In fact, until the 1960's, the Soviets never recognized emigration as a legal right.

As a result of United States pressure, however, the Soviets began allowing limited emigration in the name of family reunification. Even that stopped as a result of the 1967 war but resumed after the war ended. The numbers climbed to 34,000 in 1974.

Then the Soviets began to assess an education tax charging those wanting to emigrate the cost of their Soviet educations.

That triggered the Jackson-Vanik amendment tieing most-favored-nation status and Government credits to open

emigration. As a result, Soviet emigration dipped again and then started climbing as the two countries began negotiating SALT II.

Emigration peaked at 51,000 in 1979. Then SALT II stalled, the Soviets invaded Afghanistan, and the relationship soured. Emigration fell off to 1,000 a year during the eighties.

Gorbachev began to turn that around. And now we have a new Soviet law that basically recognizes the right of emigration. Although far from perfect, the law represents a watershed.

Mr. President, the question of loan guarantees is a humanitarian issue, not a peace issue. It is wrong, in my view, for the administration to use humanitarian assistance to impose terms on Israel before negotiations are even under way.

Israel is not only the only democracy in the region but is also a country with which we share cultural and historical ties. A strong and prosperous Israel will help, not hinder, the prospects for peace in the Middle East.

A U.S. commitment to fulfill its two decades of humanitarian commitment to open emigration from the Soviet Union will be true to our Nation's basic principles.

Thank you, Mr. President.

Mr. INOUYE. Mr. President, I am pleased to yield to a Senator who has been in the forefront of fighting for the release of Soviet Jews and has been a steadfast supporter of humanitarian efforts to assist the people of Israel, Senator KENNEDY.

Mr. KENNEDY. Mr. President, I thank the Senator for his kind remarks. I want to say how much all of us appreciate his leadership and the leadership of Senator KASTEN and others on the issue, but particularly the work that they have done over a long period of time on this issue of Soviet Jewry, as well as on the issue of the security of the State of Israel.

I commend Senators INOUYE and KASTEN for their leadership in putting forward this bipartisan proposal for United States loan guarantees to assist the Government of Israel in resettling the record numbers of Soviet refugees flooding into Israel. It is an impressive demonstration of the broad bipartisan support for these guarantees that 70 Senators are sponsoring this proposal.

All of us regret the unfortunate controversy surrounding this issue. In my view, it was an unnecessary, ill-timed, and ill-advised confrontation that undermines Israel and the peace process itself. Now the issue will be delayed until January, but I look forward to working with my colleagues to assure that the guarantees are provided expeditiously and early next year.

The broad support in the Senate for helping to resettle the Soviet Jews in Israel is a reflection of the deep commitment of the American people to helping those in need. The hundreds of thousands of Soviet Jews arriving in Israel have become a worldwide symbol of freedom of religion and freedom from persecution. The United States has a responsibility to help them fulfill their dream of "next year in Jerusalem."

For decades, the United States made free emigration a high priority in our relations with the Soviet Union. Since 1974, normal trade relations were linked to a demand that the Soviets let their people go. Advocates of human rights throughout the world wrote letters and engaged in protests and demonstrations in defense of the thousands of Soviet dissidents and refuseniks who were denied permission to choose where they wanted to make their home.

In my own contacts with Soviet leaders, I consistently pressed for the release of these courageous individuals. I recall a memorable and moving meeting I had in 1974 in Alexander Lerner's apartment, where I saw first-hand the intensity of their commitment and the quality of their courage.

The plight of the Soviet Jews was symbolized for many of us by the harsh persecution of Natan Sharansky. Who among us will ever forget the tireless campaign waged by his wife Avital for his release? She stood in front of the White House, in Central Park in New York City, and in many other places and countries urging his release.

These courageous individuals are now living free and safe in Israel. We know their names and their stories and we did not hesitate to help them. Yet today, we risk turning our backs on the hundreds of thousands of other Soviet Jews who may not be a well-known to us but whose stories are no less compelling. Having made free emigration a high priority, the United States cannot now turn aside or walk away.

These innocent victims of years of persecution should not be held hostage to a policy dispute between Washington and Jerusalem. We need to separate the debate over the settlements from the issue of assisting the hundreds of thousands of new immigrants to Israel, the vast majority of whom are not settling in any of the disputed lands.

Since the Berlin Wall fell at the end of 1989, 350,000 Soviet and Ethiopian Jews have arrived in Israel. They have been absorbed into a country of 4 million people, and that process has not been easy. Up to 1 million more are expected over the next 3–5 years. Absorbing that many immigrants in Israel would be equivalent to the United States absorbing the entire population of France—56 million people. Clearly, because of our history and our heritage, we have a responsibility to help these Soviet emigrants establish their new lives in Israel and meet the basic necessities of life.

In fact, the delay is much longer than 4 months. Israel had originally planned to make this request early this year. But last March, the Bush administration asked Israel to hold off until September. Israel complied with that request, only to be faced with a further delay last month that provoked the current controversy.

As we all know, the Israeli settlements in the disputed territories continue to be a contentious issue, both in Israel and in the United States. And yet, of the 350,000 immigrants who have arrived in Israel, only 3,000—1.2 percent—have settled in the West Bank and Golan Heights. Another 5,800—3.6 percent—chose to live in East Jerusalem. In all, 95 percent of the immigrants to Israel have settled within Israel's pre-1967 borders. In effect, the delay is penalizing 340,000 other settlers because of a controversy involving 8,800.

The United States is not being asked to provide any direct funds to assist these immigrants. Israel's request involves loan guarantees by the United States, not direct loans or direct foreign aid. All we are being asked to do is put the stamp of approval of the United States Government behind Israel's borrowing. That action will enable Israel to borrow funds at a somewhat lower interest rate, in order to help as many immigrants as possible.

The strong bipartisan support for this legislation is a tribute to the fact that the American people understand America's own responsibility to these immigrants. While I regret that the Congress will not address these urgent needs until early next year, I look forward to working to ensure that we meet this responsibility.

All of us hope that Secretary Baker's efforts to move the peace process forward are successful, and that Israel will at last be able to live at peace with her neighbors. While many difficult issues are still to be resolved, Secretary Baker's efforts represent the best hope for peace in over a decade, and I strongly support them.

Again, I commend Senator INOUYE and Senator KASTEN for this initiative, and I look forward to working with them in the months ahead to achieve the great goals we share for peace and stability in the Middle East.

Mr. President, again I thank Senator INOUYE and Senator KASTEN.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes and 30 seconds.

Mr. INOUYE. I yield 2 minutes and 35 seconds to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I thank the Senator from Hawaii.

I am pleased, Mr. President, to be able to join with Senator INOUYE and Senator KASTEN in an effort to see to it

that the United States keeps its commitment to an ally, a moral promise that was made to the State of Israel during difficult times, to say the least, as Scud missiles came down upon her, as her freedom and the safety of her people, indeed, was placed in peril.

As the only true democracy and certain friend that the United States enjoys in the Middle East, Israel, at our request, withstood incredible provocations. It is our moral responsibility to support this loyal ally.

I have a difficult time understanding how it is that we approve $5 billion in loan guarantees to Iraq between the years of 1985 and 1990, and now question $10 billion in loan guarantees for a far different purpose, for a purpose of humanitarian aid to a country that has undertaken a policy which the United States for 20 years has pushed and fought for, and that is to make an opportunity for a home and for safety for those who have none and who were emmigrating to the State of Israel.

The fact is, more than $5 billion of the commercially borrowed money will be spent right here in the United States, creating or retaining up to 100,000 jobs in America.

So I intend to work with Senator INOUYE and Senator KASTEN to achieve passage of the loan guarantee program because it is the right thing to do, both for the United States and Israel.

I yield the floor.

Mr. SEYMOUR. Mr. President, I am honored to rise this morning as an original cosponsor of this critical legislation to assist Israel with the greatest demographic challenge the country has ever faced.

Over the next 5 years, approximately 1 million Jews from the Soviet Union and Ethiopia will build new lives and tackle new obligations of citizenship in Israel. This mass movement of humans would proportionally represent the integration of the entire country of France by the United States. The Israelis will have to build approximately 260,000 new homes and 12,000 additional classrooms at a total cost of $50 billion. Furthermore, the Israeli economy will have to provide another 360,000 jobs for these able-bodied or highly skilled immigrants.

For Israel, the task is clear and its scope is undeniable. The story of the Jewish people during much of our world's history has revolved around persevering minority communities enriching the life of societies everywhere from South America to Eastern Europe.

This story, as all of my colleagues know, has also been repeatedly stained by repression, slaughter, and genocide. In their suffering, however, the Jews held onto their faith and sharpened their sense of cultural identity.

With each passing tragedy, they looked more eagerly to the day when they could settle their own nation, insulated not from the world or fresh ideas, but from the brutality of their oppressors.

For Israel, perhaps more than any other country in the world, the ideas of land and nationhood are eternally linked. And so today, the influx of Soviet Jews presents her nationhood with both another test and another opportunity.

The charter of the United Nations and the foreign policy of this country jealously guard the sovereignty of people and their governments as the unmovable keystones of world order. Israel's sovereignty, Mr. President, uniquely depends on the fulfillment of the homeland dream for any Jewish citizen who wishes to reside in the Jewish state.

Out of their theological tradition and precarious social experience, the Israelis forged this concept of sovereignty. To deny or dismiss it would amount to a denial or dismissal of the Jewish people's need for a single gathering place—or a country—with an open yet distinct culture.

In this light, the housing loan guarantees we consider this morning will help Israel to protect the most basic rights that the United States and the United Nations extend to all nations: Those of sovereignty and self-determination.

I must also add, Mr. President, that we do not place such a high value on sovereignty by mistake. Sovereignty and peace have a little-noted but close relationship, even in the turbulent world of the Middle East. As the confidence of the Israelis in their ability to secure the Jewish homeland rises, so will the prospects for a comprehensive regional peace agreement. And very few achievements would raise that confidence more than the successful absorbtion of 1 million new citizens over the next 5 years.

The housing loan guarantee issue, therefore, has both a philosophical and a practical angle for U.S. policy in the Middle East. I have just spoken at some length about the former: America has a direct moral investment in supporting Israel's efforts to extend the blessings of freedom and independence to people who struggled through the dark age of communism.

But at the end of this national transformation, Israel will stand as a more self-confident, if not populous, country with a practical stake in a peaceful region. She will have citizens who made great personal sacrifices to realize the simple goals of stable employment, healthy families, and safe neighborhoods.

These, Mr. President, are not the attributes of a warrior nation. Rather, they are the signs of a democratic people who will labor mightily to avoid the trauma of war. Nothing could better serve America's interests in a world more ready than ever to cast the tyrants and dictators aside.

Thank you, Mr. President, and I yield the floor.

Mr. MCCAIN. Mr. President, I am pleased to support the bill introduced by Senators INOUYE and KASTEN to provide loan guarantees to our staunchest ally and best friend in the Middle East, the State of Israel. As I have often stated, my support is founded in my appreciation for the friendship that has served both the United States and Israel so well. But my support rests also in my conviction that such an action, which would be undertaken at little cost to the taxpayer, is humanitarian in nature. It is intended to help Israel integrate into its society the hundreds of thousands of Soviet and Ethiopian Jews whose emigration to Israel we have consistently advocated.

Mr. President, my support for this measure does not lessen my concern over the tension between the governments of the United States and Israel that was occasioned by differences on the loan guarantee issue. That controversy is in neither country's best interests.

Accordingly, I have counseled members of the administration, Israeli Government officials and Members of Congress on both sides of this issue to seek an honest compromise that will meet Israel's urgent humanitarian needs, as well as respect the President's foreign policy prerogatives.

I am satisfied that we are now on such a sensible course. The introduction of this bill will not deprive the President of the 120 days he asked for to continue facilitating peace negotiations between Israel and its neighbors. His leadership in this area has thus far been nothing short of outstanding. I commend the President for his efforts, and wish him continued success.

I am also pleased that there seems to be a growing recognition that the strong, enduring friendship of the United States and Israel be protected from further damage by a continuing dispute on this issue. Rhetoric on both sides has cooled recently, and I was heartened by President Bush's call for the repeal of the obnoxious "Zionism is a form of racism" resolution passed by the U.N. General Assembly in 1975.

I am hopeful that by delaying the consideration of this bill in deference to the President's wishes and in respect for his worthy stewardship of American foreign policy we will restore the full amity and respect that have long characterized United States-Israeli relations. I am confident that at the end of this delay, the United States commitment to a strong Israeli society will be as clear as ever. For that policy goal is most certainly in the best interests of the United States and Israel.

Mr. BOND. Mr. President, this is an important measure that the Senators from Hawaii and Wisconsin are submitting today. It provides a means for the United States to participate in one of

the greatest humanitarian efforts of our time, the resettlement of hundreds of thousands of Jews from Ethiopia and the Soviet Union.

I am a cosponsor of this amendment because it is right for this Nation to assist Israel in its effort. For a decade and a half this Nation has made free emigration for Soviet Jews a central tenet of all of its negotiations with the Soviet Union. Now that we have finally been successful in that effort, it would be wrong to suggest that we have no responsibility for their resettlement.

The amendment presented today allows us to meet that obligation in a manner that serves the needs of both Israel and the United States. Loan guarantees will allow the United States to provide substantial assistance to Israel without using critical resources that are needed to deal with problems at home.

I also understand the President's concerns on this issue. Though I was disappointed to see the discussion over these guarantees moved from the conference room to the airwaves, I remain confident that we will be able to craft a guarantee package that will be acceptable to all involved. However, as we move toward a compromise and as we move toward a Mideast peace conference, it is essential to ensure that we avoid linking the two issues. The humanitarian effort to resettle the Ethiopian and Soviet refugees is an issue separate and apart from the search for progress toward peace in the region. Any attempt to link the two would simply doom both efforts to failure.

In closing Mr. President, I would just reiterate my hope that we can find an agreement on this issue that will allow us to go forward with the guarantees as soon as Congress reconvenes in January. The need is dire and our concern is increased daily as we read reports from the Soviet Union about efforts in some of the Republics to limit or even to stop Jewish emigration. Without the guarantees—and the other moneys from European countries that our funds will drive—Israel will not be able to provide housing and services and jobs, and the emigration will dry up. If that delay were to result in Jews being caught in the Soviet Union or in individual Republics following a breakup of the union, it would be a great tragedy.

I am certain we can avoid that result. I look forward to working with the sponsors of the amendment as they continue to seek a compromise that will allow this measure to go forward.

Mr. LAUTENBERG. Mr. President, I rise as an original cosponsor of this legislation to extend $10 billion in loan guarantees to Israel for Soviet refugee absorption.

Over the last two decades, the United States has led the world in appealing for the freedom of Soviet Jewry. A number of former refusniks have stated it was U.S. actions which kept alive their hope of religious freedom and respect for human rights. Not only did the United States support Soviet Jewish emigration, but by limiting refugee entry into the United States, our policy actually encouraged them to emigrate to Israel.

One million Soviet Jews are expected to emigrate to Israel over the next 5 years, which will result in an increase of approximately 20 percent of Israel's population. As their dreams come to fruition, the United States is presented with a historic opportunity to help with their absorption and make good on our commitment to them. I strongly support the proposed refugee guarantees as a cost-effective, humanitarian, and urgent means of assisting with Soviet resettlement.

Developments in the Soviet Union, as encouraging as they are, portend a period of political and economic instability and cast a troublesome shadow on the future and safety of Jews in the region. Ethnic nationalism is on the rise in each of the Republics, and the onset of winter and potential famine could fuel ethnic tensions. Historically, the combination of these factors spell uncertainly for Jews in the former Soviet Union.

Soviet Jews have been arriving in Israel at the rate of about 20,000 a month. These refugees, seeking a new life outside of the Soviet Union, need jobs, housing, and the chance for an independent life. The loan guarantees will help provide those opportunities.

Mr. President, the loan guarantees for absorption that would be extended in this legislation will not cost the U.S. taxpayer any money. These are guarantees the United States is providing, not actual dollars. The $10 billion will be provided to Israel by banks.

I wish that the administration would convey that message to the American public. These are loan guarantees; there will be no cost to the American taxpayer. That wasn't the case with the forbearance on 7 billion dollars' worth of loans that Egypt owed this country. That was real money. The President worked hard to forgive that debt because he thought it was in the best interest of America's foreign policy. I supported him in that.

Now, helping Israel to absorb refugees is also in our best interest. That there are so many Soviet refugees seeking a new life in Israel is a direct result of our successful foreign policy.

We have a window of opportunity now to help provide a safe haven for Soviet refugees seeking a new life in Israel. We have a moral obligation to help them. But the United States has suddenly done an about face on the refugee absorption loan guarantees. The President is walking away from an opportunity to help provide a haven for those refugees from persecution, from harassment, from a long history of second class citizenship.

Mr. President, I support approval of the guarantees promptly, in the most cost effective way possible. I think the President is wrong to link humanitarian loan guarantees with the peace process. He created an issue where none existed.

He is also wrong to link the guarantees with the settlements. We all have high hopes that representatives of Israel and the Arab nations will soon sit down and talk of peace, but there should be no preconditions on our friend and ally, Israel. The United States should not force Israel to concessions before those talks begin. It is wrong to demand that Israel give away the store before she gets to the table.

We can recall that Menachem Begin and Anwar Sadat met without preconditions. Yet they achieved a peace that met the needs of their two nations. I was in Israel when Sadat arrived for those historic negotiations. It was one of the most dramatic and moving moments I have ever experienced.

But we've seen nothing dramatic from the Arabs. The Arab nations haven't made any concessions. And the United States has demanded nothing from them. They continue to cling to the hateful Arab League boycott of American companies that do business with or invest in Israel.

They haven't budged one inch on this, even after U.S. citizens put their lives on the line in a war against Saddam Hussein's aggression. They continue to boycott our companies, and the administration looks the other way. It doesn't pressure them to move on this point. Now that doesn't make sense.

Mr. President, it is wrong to hold Soviet Jewish refugees hostage to a peace process over which they have no control. These loan guarantees are separate from the peace process. They are humanitarian in nature.

The United States fought to secure the right to emigrate for these Soviet Jews. The United States encouraged these people to go to Israel. And, when Israel sought loan guarantees last year, the administration gave every indication that, if delayed until September, the loan guarantees would be considered. We have a moral obligation to fulfill the pledge we made to those who have left the Soviet Union.

I urge my colleagues to join me in supporting this legislation as well.

Mr. ADAMS. Mr. President, along with 69 of my Senate colleagues, I rise today to express my strong support for the Israeli Government's request for $10 billion in loan guarantees. Although it now appears that the request will not be taken up by the Senate until January—due to the Administration's decision to link the guarantees to the Middle East peace initiative—it is important that we lay the foundation now for the guarantees' prompt and favorable consideration at that time.

I am deeply concerned at the reports I am hearing that treatment of the loan guarantees in January may involve new linkage; to the cessation of settlement construction in the West Bank, to Israeli economic reform, or to some as yet unnamed criterion. This last scenario is one I find most disturbing.

Loan guarantees for humanitarian purposes should not be held over Israel's head in order to further the administration's peace initiative. Any peace that is imposed from the outside will come at too great a cost and will not last. The Arab States have not made the loan guarantees an obstacle to peace. It is inappropriate for the administration to inject this issue into the peace process.

My preference would be to move on the question of loan guarantees now. Clearly, a majority of the Senate supports the guarantees. But given my colleagues' preference to give the administration its 120-day delay, we will simply have to wait.

I fervently hope that peace talks are well underway by the time we reconvene in January. But even if they are not, the loan guarantees must be taken up and they must be granted. I look forward to working with my colleagues on the Appropriations Committee to secure approval of the loan guarantees, without linkage, at the earliest possible time.

Mr. MACK. Mr. President, I am proud to be an original cosponsor of an amendment that would allow the United States to cosign, or guarantee, $10 billion in commercial bank loans to Israel over the next 5 years. I salute the primary sponsors, Senators KASTEN and INOUYE for their strong leadership on this issue.

Many of my colleagues have correctly pointed out that we are not discussing a grant to Israel, or even a loan, but guarantees of loans that Israel will take out with commercial banks. These guarantees are not slated to cost the taxpayer a dime; the cost of the risk, which is 1 or 2 percent of the loan, will be paid by Israel. So the issue here is not cost.

The issue is that Israel stood by us in our time of need, now it is time for us to stand by Israel.

Let us not forget that a few short months ago the American people watched in horror as deadly Iraqi missiles rained down upon the cities of Israel. We cheered as our Patriot missiles intercepted the Iraqi Scuds, we watched as men, women, and children donned gas masks as we heard the sirens wail through our television sets.

During the war, the United States asked Israel to do what perhaps no nation has ever been asked, let alone expected to do—risk her national security at the request of a close ally. For the first time in her history, Israel agreed not to defend herself by attacking Iraqi missile sites.

Israel made the right decision, but let no one think that it was not an agonizing one for the Israeli leadership, a decision that could have cost the lives of Israeli citizens.

Now Israel is asking the United States for help in absorbing a 25-percent increase in her population, about 1 million Soviet and Ethiopian Jews over the next few years. Already in the past 2 years, Israel has taken in twice as many refugees as the United States, about 100 times as many on a per capita basis.

Israelis stood by us, now we should stand by them. It's that simple.

It is unfortunate that the issue of loan guarantees for Israel has become wrapped up in the peace process. I am strongly opposed to linking Arab demands, such as freezing Israeli settlements, to these loan guarantees, and I opposed delaying consideration for that reason.

Mr. President, I hope these absorption loan guarantees will be approved by the Congress as soon as possible. Again, I thank the sponsors for their good work and look forward to the day that Israel can live in freedom, security, and peace, and in continued close friendship with the United States.

I ask unanimous consent that a letter I wrote to Senator PATRICK LEAHY urging him not to delay consideration of the loan guarantees be inserted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 6, 1991.

Hon. PATRICK J. LEAHY,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I understand that you intend to delay consideration of the bill that would provide for loan guarantees to help Israel absorb about a million Soviet and Ethiopian Jews over the next five years.

If Congress delays the provision of loan guarantees for Israel, it would be perceived by the Arab world as a clear invitation to link U.S. humanitarian assistance to Israel to concessions in the peace process. I am strongly opposed to any linkage between humanitarian assistance for Israel and the peace process.

The U.S.-Israel relationship must not become a bargaining chip in the peace process. The alliance between the United States and Israel—the only democracy in the Middle East—must not be held hostage to Arab states' demands against Israel.

Throughout the Gulf war, the United States steadfastly opposed any linkage between the U.S.-Israel relationship and the peace process. Now is not the time to give in to the demands of Arab states which seem more interested in wringing concessions from Israel and the United States than in real peace.

The modern exodus of a million Soviet and Ethiopian Jews in a historic victory for freedom, human rights and the long hard work of many Americans. The exodus is far from complete, and its success should not be taken for granted.

It is in America's national interest not to jeopardize the flow of Soviet emigrants to Israel, and to help ensure that the only democracy in the Middle East successfully completes their absorption.

We should not allow Arab states to deter us from pursuing our own national interest, or to use the United States to extract concessions from Israel. I strongly urge you to facilitate the Congressional consideration of these urgent humanitarian loan guarantees for Israel without delay.

Sincerely,

CONNIE MACK,
U.S. Senator.

Mr. HATCH. Mr. President, I rise in support of providing Israel with loan guarantees for the absorption of an estimated 1 million Soviet and Ethiopian emigres. In July, I strongly endorsed the concept of loan guarantees as a purely humanitarian gesture designed to help Israel cope with the massive influx of refugees. This emigration continues apace today. Every month between 10,000 and 15,000 Soviet emigres arrive in Israel. The United States cannot avert its eyes to the plight of Soviet Jewry, and in my opinion, we have a moral obligation to assist the Israeli Government finance this overwhelming and unprecedented humanitarian effort.

Mr. President, I believe that the administration should be strongly commended for its consummate diplomatic skill in crafting a regional peace conference to be convened later this month. This has been a long and difficult venture. The President has shown a great deal of initiative, leadership, and ingenuity in bringing disparate groups to the negotiating table. Yet the President recently requested that Congress delay loan guarantees for Israel to help keep this peace process on track. In contrast to the administration, I do not believe that these issues should be linked, and I support loan guarantees for three important reasons.

First, Members of this Chamber fought vigorously on behalf of Soviet Jewry, and we should not rest on our laurels. The presently high levels of Jewish emigration we are experiencing should not be taken for granted. Soviet Jews have been persecuted for many years, and receiving exist visas for this group has traditionally been a painstaking and difficult process. The situation in the Soviet Union and the various Republics is in a state of flux, and it is imperative that Soviet Jews leave when the door is open. It seems all too plausible that the ethnic strife, nationalism, and political events in the U.S.S.R. could create a internal situation in which this group is again persecuted, or not allowed to leave certain regions of the country for various reasons. We should act while we have this unique opportunity. The extension of loan guarantees will certainly help in this important endeavor.

Second, although I realize that the administration would like Congress to delay consideration of loan guarantees

for 120 days, this interim period may actually be more harmful than the White House realizes. For example, construction does not immediately follow contracting or the obligation of moneys. There is always a lag effect, sometimes as long as a year. In Israel, the delay is often around 2 years. For those awaiting housing, this could result in serious consequences.

Finally, I believe that the granting the loan guarantees is the proper and moral course of action. I remain firmly committed to the safety and welfare of Israel, and support the immediate granting of the guarantees.

Mr. SANFORD. Mr. President, I am in favor of the United States assisting the State of Israel in resettling Soviet and Ethiopian Jews by guaranteeing the repayment of sums it borrows for this purpose. This is neither a loan nor a grant; it simply permits Israel to borrow at more favorable rates. We have, it seems to me, a moral obligation to assist in this manner.

The necessity of building new housing and creating new jobs is a result of the acceptance of refugees from the Soviet Union and Ethiopia. It has for years been a major policy of this country to press the Soviet Union to permit Jews to emigrate. This resettlement serves our national policy, and illustrates dramatically a historic purpose of the State of Israel, a place where persecuted Jews may come as a matter of right to a homeland.

The President of the United States has expressed a desire to delay consideration of this guarantee until January. This delay has been resisted by a number of people in the Senate and elsewhere. However, in spite of the resistance, it is our President who holds the initiative for the peace talks in the Middle East. For this reason, he is entitled to the benefit of any reasonable doubt. We rely on him for the effort to bring to an end the long strife in this region. So, I must support our President's call for additional time.

This does not mean that I will favor linking the West Bank issues with the loan guarantee. I will not.

From the beginning, we have helped keep Israel strong in a hostile neighborhood. Our policy should be to help Israel remain strong, should be to use our good offices to facilitate peace discussions, and we should be willing to let the nations debate and determine between themselves their longstanding differences.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

The Senator from Wisconsin.

Mr. KASTEN. Mr. President, we have had a truly remarkable morning here in the Senate—a discussion that demonstrates the truly bipartisan support for our Israeli allies. We must work together—Democrats and Republicans, Congress, and the President—to work out how this support will be translated into policy.

We go forward in a spirit of compromise and bridge building, because we are fully conscious of the great principles that unite us: Loyalty to allies. Support for friends. Stability and bipartisanship in foreign policy.

This is what we stand for. As far as the issue at hand is concerned, no cost to taxpayers is involved. These loan guarantees are a consensus policy, and I am glad that we were able to give such strong collective voice to that policy today.

Finally, Mr. President, I ask unanimous consent that an article I wrote for the September 19, 1991, Roll Call be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Roll Call, Sept. 19, 1991]

LOAN GUARANTEES FOR ISRAEL: A STRONG "YES" FOR A LOYAL ALLY

(By Senator Bob Kasten)

For two decades, it has been a key goal of American foreign policy to liberate Soviet Jewry from Communist oppression.

The bipartisan policy calling for free immigration of Soviet Jews was begun by the late Sen. Henry Jackson (D-Wash) with his historic Jackson-Vanik amendment, and has remained a foreign policy cornerstone for every Administration since Nixon's.

At long last—with the collapse of the Soviet Union and its Communist tyranny—our 20-year effort has succeeded. Since 1989, nearly 350,000 Soviet Jews have immigrated to Israel—and it is estimated that the total will reach one million by the end of 1995.

"Next year in Jerusalem" is no longer merely a noble wish. It is a reality—the result of our long-standing policies.

Now that we have succeeded in achieving our bipartisan goal, it would be unconscionable for us to flinch from our responsibility for the consequences.

The scope of this current immigration is unlike anything Israel has ever seen since World War II and the creation of the state in 1948.

It represents an increase of almost 25 percent over the current population.

For the last two decades of the Cold War, Israel held out as the bastion of Democracy and pro-Americanism in an extremely dangerous part of the world. Surrounded by Soviet allies—back when Communism was on the offensive—the State of Israel held the line for our side.

Earlier this year, from Texas to Wisconsin, from Maine to Oregon, we all watched on TV as the Scud missiles slammed into Israel. We also saw that the Israelis did not retaliate for these terrorist acts—because America asked them not to.

Israel kept faith with America. Will we have the moral sense—the loyalty—to do the same?

I am confident that we will—because the American people and their representatives in Congress don't believe in turning their backs on an ally.

Israel needs our help in resettling this massive influx of refugees, the influx that represents the success of American foreign policy.

Along with Sen. Daniel Inouye (D-Hawaii), I have introduced legislation in the Senate that would extend to Israel the helping hand it so urgently requires.

Our bill provides loan guarantees to Israel to help defray the extraordinary costs of resettling and absorbing Soviet and Ethiopian refugees.

The loan guarantees would amount to $2 billion for fiscal year 1992, and $2 billion for each of the four succeeding fiscal years.

These loan guarantees have been requested by the Israeli government, and they represent what the Israelis believe will be an adequate amount to deal with the housing crisis.

That's what the loan guarantees are—a response to urgent human needs, requested by a reliable and heroic friend. It's important, however, that we also understand what the loan guarantees are not.

The loan guarantees are not U.S. grants. Under our loan guarantee bill, the U.S. taxpayer will not be sending any funds to subsidize Israeli housing.

The loan guarantees are not U.S. loans. The Treasury will not be lending money to resettle the refugees.

It will merely guarantee that when private sector lenders lend money for that purpose, the U.S. government will stand surety for the loan. (There's very little risk in that: Israel has never defaulted on U.S. loan guarantees.)

The only U.S. budget funds involved in the loan guarantee process are the origination fee, which we estimate will amount to $100 million. Under our bill, Israel will pay for this origination fee, making U.S. taxpayer funding completely unnecessary.

Our bill won't cost the Treasury anything. It will meet a major emergency being faced by one of America's best friends. And it is the honorable thing to do. That's why I will be pressing for the enactment of the Kasten-Inouye loan guarantee legislation.

The PRESIDING OFFICER. All time has expired. The Senator from West Virginia.

Mr. BYRD. Mr. President, has morning business expired?

The PRESIDING OFFICER. The time set aside for morning business has expired.

Mr. BYRD. Mr. President, I ask unanimous consent there be an additional 10 minutes in morning business, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEACE IN THE MIDDLE EAST

Mr. BYRD. Mr. President, the current political environment is filled with transformation and opportunity. Old structures are in advanced stages of decay and collapse throughout Eastern Europe and what is left of the Soviet monolith. Change is also underway in the Middle East, stimulated by the bold, naked grab for Kuwait and the stinging rebuff administered by the coalition led by the United States. These are historic times, times when new forms, new ideas, rearrangements are possible, a springtime thaw is in the atmosphere.

What kind of new order, forms, concepts, structures, alliances, rules, and arrangements will emerge over the next few years will not be the work of some mystical historic force. Historians may characterize the forces of history. But, at bottom, what makes a difference is the broad vision and work of individual men, whose human nature

has never changed. Now is the time for taking the broad perspective, the long look. Now is the time for putting aside the narrow motives of political campaigns, of posturing for advantage on the margin.

I have commended President Bush in the past for seeking to tackle the intractable problems of a peaceful settlement in the Middle East. The emotions and suspicions run through a deep canyon in the Middle East, and the bridging work is horrendously difficult. This is certainly a time for us to give the President our undivided support in his efforts to construct that bridge. The timing is good, and is more suitable now than it has been for many years. So I congratulate the President for his efforts to bring all the parties to the peace table—all the parties to the peace table—to act as a good-faith broker, for helping establish a fair negotiation, without loading the dice to any party's advantage. Therefore I have supported his effort to delay for a very short time consideration of any major new program of largess for Israel. I have also opposed new arms sales to Arab states for the time being. I think the President is taking the broad view, and I am sure that he needs all the mandate and support from us that he can get. The various parties to the differences in the Middle East watch political events in the United States with a fixation. They look for signs that the United States is playing a role of statesman. Only great statesmanship will help transform the Middle East.

That is the right course. Let us support this President in his efforts to maximize on the military victory that was achieved in the Middle East. Let us give this President the tools which he needs to seek lasting peace in the Mideast. That is what is in the best long-term interest of our friends in the region. Now is not the time to prejudge the outcome of the negotiations. Let us be wise and wait to see what progress can be made and then decide what course is in the best interests of our own Nation and of our friends in the region.

This Senator has not joined in this legislation because I believe it is not possible to know the best course at this time. I want to wait to see if progress is made at the peace table. I want to wait to see if progress is made on the settlements issue. I want to wait to see if the American people are satisfied that these loan guarantees should be granted outright or if there should be certain conditions attached, or if they should be granted at all. There are pressing needs here at home and the American people have a right to have their views considered. They are paying the tab.

They have been paying the tab. And make no mistake about it there will be a tab to pay. I regret that so many in this body appear to have prejudged this issue. That is their right to do, of course. It is my hope that Senators will carefully debate this proposal, with the fundamental interests of this country, the United States, in mind when the time comes to consider it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time remains in the 10 minutes?

The PRESIDING OFFICER. There remains 3 minutes and 50 seconds.

Mr. DOMENICI. I wonder if I might, before I start, ask for an additional 2 minutes under the same conditions?

The PRESIDING OFFICER. Without objection, it is so ordered.

CLARENCE THOMAS

Mr. DOMENICI. Mr. President, it is with pleasure that I rise today in support of the nomination of Clarence Thomas to serve as an Associate Justice of the Supreme Court of the United States.

I have found Clarence Thomas to be a man of strong intellect, integrity, leadership, and achievement. By his qualifications, experience, and character, he has proven that he is a worthy candidate to become a Supreme Court Justice.

I would like to call to the attention of my fellow Senators a response Judge Thomas gave to a question asked by one of our Members, a member of the Judiciary Committee, at hearings on September 13, 1991. Judge Thomas was asked: "* * * I see these two Clarence Thomases: One who has written some extremely * * * insensitive things * * * and then I hear a Clarence Thomas with a heart. * * * Which is the real Clarence Thomas?"

Judge Thomas responded and said the following: "Senator, that is all a part of me. I used to ask myself how could my grandfather care about us when he was such a hard man sometimes." "But, you know," said the judge, "in the final analysis, I found that he is the one who cared the most because he told the truth, and he tried to help us help ourselves."

Actually, I find that statement, obviously made extemporaneously about a very, very serious subject and a subject of this man's life that deserves a question, I found that answer to be one of the most significant and philosophical statements that he made in the entire process of being questioned.

Let me repeat. He was asked: "Which is the real Clarence Thomas? You have written some extremely insensitive things, and then I hear the Clarence Thomas with a heart." And he said: "Senator, that is all part of me," paraphrasing, as I would put it, "I am some of both. I used to ask myself, how could my grandfather care about us when he was such a hard man sometimes. But, you know, in the final analysis, I found that he is the one who cared the most because he told the truth, and he tried to help us help ourselves."

Frankly, I believe this distinguished gentleman, whom I happen to know personally and interviewed for a considerable period of time prior to the hearings in Judiciary, could almost seek to be a Supreme Court judge with that philosophy and an intellect and qualification based upon knowing the law. I think that is absolutely, without question, one of the most profound statements made during that hearing and one which gives me great confidence about his future because I believe he is some of both. I believe he will tell the truth, and that is what he said his grandfather did, "and he tried to help us help ourselves."

So, Mr. President, a Supreme Court Justice must be a person of integrity. He or she must be honest, ethical, and fair. A Supreme Court Justice must be a person with strength of character. He or she must possess great courage to render decisions in accordance with the Constitution and the laws of the United States, and they must never fear if, in fact, they have concluded that such is the law. A Supreme Court Justice must be a person with compassion. He or she must respect both the rights of the individual and the rights of society and must be dedicated to provide equal justice under the law.

Obviously, he is going to be a man of compassion. He just got through answering that part as he discussed the two aspects of living, or leading, of growing up, as I just shared them with the Senate.

A Supreme Court Justice should be a person with proper judicial temperment. He or she must understand and appreciate the genius of our federal system and of the delicate checks and balances between the branches of the National Government.

Mr. President, in the opinion of this Senator, Clarence Thomas possesses these qualities and more. His background and upbringing will bring a unique perspective to this Court. When I began looking into his background to find out more about who he was, I ran across a speech that he gave in 1985 at Savannah State College. I believe it was reported on the editorial page of the New York Times. It was entitled "Climb the Jagged Mountain." It was by this distinguished gentleman.

He was speaking to a group of graduating seniors in preparing them for what they would face. He related the story of his early life as an example of being able to endure adversity to achieve excellence. This story reveals one of the most important aspects of his character and it is moving for all those who read it. At this point, Mr. President, I ask unanimous consent that the text of that speech, as covered in the New York Times on July 17, 1991,

be printed in the RECORD. I am not sure it is the entire text, but let me print just what is there.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 17, 1991]

CLIMB THE JAGGED MOUNTAIN

(Following are excerpts from a commencement speech that Clarence Thomas, President Bush's nominee to the Supreme Court, gave at Savannah State College on June 9, 1985.)

(By Clarence Thomas)

I grew up here in Savannah. I was born not far from here (in Pin Point). I am a child of those marshes, a son of this soil. I am a descendant of the slaves whose labors made the dark soil of the South productive. I am the great-great-grandson of a freed slave, whose enslavement continued after my birth. I am the product of hatred and love—the hatred of the social and political structure which dominated the segregated, hate-filled city of my youth, and the love of some people—my mother, my grandparents, my neighbors and relatives—who said by their actions, "You can make it, but first you must endure."

You can survive, but first you must endure. You can live, but first you must endure. You must endure the unfairness. You must endure the hatred. You must endure the bigotry. You must endure the segregation. You must endure the indignities.

I stand before you as one who had the same beginning as yourselves—as one who has walked a little farther down the road, climbed a little higher up the mountain. I come back to you, who must now travel this road and climb this jagged, steep mountain that lies ahead. I return as a messenger—a front-runner, a scout. What lies ahead of you is even tougher than what is now behind you.

That mean, callous world out there is still very much filled with discrimination. It still holds out a different life for those who do not happen to be the right race or the right sex. It is a world in which the "haves" continue to reap more dividends than the "have-nots."

You will enter a world in which more than one-half of all black children are born primarily to youthful mothers and out of wedlock. You will enter a world in which the black teenage unemployment rate as always is more than double that of white teenagers. Any discrimination, like sharp turns in a road, becomes critical because of the tremendous speed at which we are traveling into the high-tech world of a service economy.

There is a tendency among young, upwardly mobile, intelligent minorities to forget. We forget the sweat of our forefathers. We forget the blood of the marchers, the prayers and hope of our race. We forget who brought us into this world. We overlook who put food in our mouths and clothes on our backs. We forget commitment to excellence. We procreate with pleasure and retreat from the responsibilities of the babies we produce.

We subdue, we endure, but we don't respect ourselves, our women, our babies. How do we expect a race that has been thrown into the gutter of socio-economic indicators to rise above these humiliating circumstances if we hide from responsibility for our own destiny?

The truth of the matter is we have become more interested in designer jeans and break dancing than we are in obligations and responsibilities.

Over the past 15 years, I have watched as others have jumped quickly at the opportunity to make excuses for black Americans. It is said that blacks cannot start businesses because of discrimination. But I remember businesses on East Broad and West Broad that were run in spite of bigotry. It is said that we can't learn because of bigotry. But I know for a fact that tens of thousands of blacks were educated at historically black colleges, in spite of discrimination. We learned to read in spite of segregated libraries. We built homes in spite of segregated neighborhoods. We learned how to play basketball (and did we ever learn!), even though we couldn't go to the N.B.A.

We have lost something. We look for role models in all the wrong places. We refuse to reach back in our not too distant past for the lessons and values we need to carry us into the uncertain future. We ignore what has permitted blacks in this country to survive the brutality of slavery and the bitter rejection of segregation. We overlook the reality of positive values and run to the mirage of promises, visions and dreams.

I dare not come to this city, which only two decades ago clung so tenaciously to segregation, bigotry and Jim Crowism, to convince you of the fairness of this society. My memory is too precise, my recollection too keen, to venture down that path of self-delusion. I am not blind to our history—nor do I turn a deaf ear to the pleas and cries of black Americans. Often I must struggle to contain my outrage at what has happened to black Americans—what continues to happen—what we let happen and what we do to ourselves.

If I let myself go, I would rage in the words of Frederick Douglass: "At a time like this, scorching irony, not convincing argument, is needed. Oh! Had I the ability, and could reach the nation's ear, I would today pour out a fiery stream of biting ridicule, blasting reproach, withering sarcasm and stern rebuke. For it is not light that is needed, but fire; it is not the gentle shower, but thunder. We need the storm, the whirlwind and the earthquake."

I often hear rosy platitudes about this country—much of which is true. But how are we black Americans to feel when we have so little in a land with so much? How is black America to respond to the celebration of the wonders of this great nation?

In 1964, when I entered the seminary, I was the only black in my class and one of two in the school. A year later, I was the only one in school. Not a day passed that I was not pricked by prejudice.

But I had an advantage over black students and kids today. I had never heard any excuses made. Nor had I seen my role models take comfort in excuses. The women who worked in those kitchens and waited on the bus knew it was prejudice which caused their plight, but that didn't stop them from working.

My grandfather knew why his business wasn't more successful, but that didn't stop him from getting up at 2 in the morning to carry ice, wood and fuel oil. Sure, they knew it was bad. They knew all too well that they were held back by prejudice. But they weren't pinned down by it. They fought discrimination under W.W. Law [a Georgia civil rights leader] and the N.A.A.C.P. Equally important, they fought against the awful effects of prejudice by doing all they could do in spite of this obstacle.

They could still send their children to school. They could still respect and help each other. They could still moderate their use of alcohol. They could still be decent, law-abiding citizens.

I had the benefit of people who knew they had to walk a straighter line, climb, a taller mountain and carry a heavier load. They took all that segregation and prejudice would allow them and at the same time fought to remove these awful barriers.

You all have a much tougher road to travel. Not only do you have to contend with the ever-present bigotry, you must do so with a recent tradition that almost requires you to wallow in excuses. You now have a popular national rhetoric which says that you can't learn because of racism, you can't raise the babies you make because of racism, you can't get up in the mornings because of racism. You commit crimes because of racism. Unlike me, you must not only overcome the repressiveness of racism, you must also overcome the lure of excuses. You have twice the job I had.

Do not be lured by sirens and purveyors of misery who profit from constantly regurgitating all that is wrong with black Americans and blaming these problems on others. Do not succumb to this temptation of always blaming others.

Do not become obsessed with all that is wrong with our race. Rather, become obsessed with looking for solutions to our problems. Be tolerant of all positive ideas; their number is much smaller than the countless number of problems to be solved. We need all the hope we can get.

Most importantly, draw on that great lesson and those positive role models who have gone down this road before us. We are badgered and pushed by our friends and peers to do unlike our parents and grandparents—we are told not to be old-fashioned. But they have weathered the storm. It is up to us now to learn how. Countless hours of research are spent to determine why blacks fail or why we commit crimes. Why can't we spend a few hours learning how those closest to us have survived and helped us get this far?

As your front-runner, I have gone ahead and taken a long, hard look. I have seen two roads from my perch a few humble feet above the madding crowd. On the first, a race of people is rushing mindlessly down a highway of sweet, intoxicating destruction, with all its bright lights and grand promises constructed by social scientists and politicians. To the side, there is a seldom used, overgrown road leading through the valley of life with all its pitfalls and obstacles. It is the road—the old-fashioned road—traveled by those who endured slavery, who endured Jim Crowism, who endured hatred. It is the road that might reward hard work and discipline, that might reward intelligence, that might be fair and provide equal opportunity. But there are no guarantees.

You must choose. The lure of the highway is seductive and enticing. But the destruction is certain. To travel the road of hope and opportunity is hard and difficult, but there is a chance that you might somehow, some way, with the help of God, make it.

Mr. DOMENICI. Mr. President, Clarence Thomas has referred to his life experience as "the climb of the jagged mountain." He was born, as everyone knows, on June 23, 1948, in a small home in Pin Point, GA. They did not have any of the nice things of life that we have all grown to expect as we grow up and try to enjoy being Americans. The world of this man as a young person was the world of segregated Georgia.

He learned the value of hard work and had the desire to excel. He at-

tended St. Pius X High School, an all-black school, for 2 years and, in 1964, he transferred to the St. John Vianney Minor Seminary. We even saw some of those testifying who taught him in his early years. We saw a marvelous nun testify about the quality and character of this man. We saw the priest of St. John talking about his service to them as a member of their board. We know that he also graduated from one of the distinguished law schools in America, Yale. We can trace his life as he did public service and worked in the private sector and then for the last year or so serving on the second highest court of this land.

Mr. President, I compliment the President of the United States for sending us this nominee. I intend to vote for him. I do it without any reluctance. I am convinced that we do not know exactly where he is going to come down on the big issues of our day and the future, but I submit, we will never be able to determine in advance what intelligent, enlightened judges will do on the cases of the future. I am of the frame of mind to say the one with the best human experiences, the experiences that count, coupled with a good education and, in this case, add to that having grown up as a black person in the United States, having grown up in poverty, having succeeded in spite of all of that, when you add that to the other qualifications, it seems to me that we do not need to worry about whether we are taking a chance or not with this man. I think he belongs there and he will serve not only the people well, but he will also serve this great Republic well for years and years to come.

I know that some Members of this body may have strong ideological differences with Clarence Thomas. I respect them for that. It is heartening to see, however, that Members of this body realize that the vote on this nomination should rest on whether Clarence Thomas is qualified, not whether a majority of this body agree with his personal philosophy.

Under the Constitution, the Senate has the duty to offer advice and consent on judicial nominees. Congress must scrutinize the nominee to determine whether he or she possesses the qualities that the Americans expect in judges.

As long as a nominee is qualified, the nominee's personal philosophy should not be a consideration unless that philosophy undermines the fundamental principles of our Constitution, or if the nominee's dedication to his or her ideological principles is so strong that he or she cannot be an impartial judge. In the absence of such concerns, the Senate must respect the right of a President to nominate qualified candidates of his choosing.

The evidence of Clarence Thomas' commitment to our constitutional system as well as his ability to render sound and judicious decisions has been tested and proven by his record on the Court of Appeals.

Mr. President, a nominee for Supreme Court Justice of the United States must possess the highest standards of integrity, ethics, and commitment to the cause of justice. He or she must be an individual of proven ability and judgment. Clarence Thomas has been thoroughly examined to determine whether he possesses these qualities, and he has not been found wanting.

I salute Judge Thomas, and I hope the Senate will confirm him with an overwhelming vote next Tuesday. I yield the floor.

THE RESIGNATION OF RICHARD THORNBURGH

Mr. GRASSLEY. Mr. President, what I come before this body to say this morning should have really been said back in the first or second week of August because that was a time near to the retirement of Attorney General Richard Thornburgh.

I rise today to congratulate him on his vigilant tenure as the Nation's top law enforcement officer.

Since his appointment and confirmation in 1988, Attorney General Thornburgh was the point person in the Nation's war on crime and helped the taxpayers prevent fraud on Government by dishonest contractors.

General Thornburgh left the Department of Justice in August to answer another call, and many of us in this body, at least on this side of the aisle, hope that we have the privilege of working with him.

The job of the Government's top lawyer is among the most difficult in Government. It is not easy to meet the demands of Government officials, the public, and the media, while maintaining fidelity to the law. It is impossible to please everyone.

Indeed, as General Thornburgh remarked on the day of his resignation, quoting a British Attorney General: "An attorney general who becomes popular will not be doing responsibly that which his office demands."

Despite his disclaimer, Attorney General Thornburgh was popular even though he did his job as well as it can be done. The President who appointed him, the law enforcement officers that he led throughout the Nation, and the citizens he protected are all aware of the success he had in enforcing the laws.

Thornburgh's Justice Department has zealously fulfilled its duty to protect the taxpayers from those who would rip off the taxpayers. General Thornburgh demonstrated a firm commitment to fighting crime and Government fraud. Thornburgh's efforts have resulted in the convictions of 71 defense contractors and their employees, settlements with several other major firms, and recovery by the treasury of hundreds of millions of dollars.

Most recently, the Department's Operation Ill Wind resulted in a $190 million payment to the Government by the Unisys Corp. Unisys pleaded guilty to conspiracy to defraud the United States, to bribery, to conversion of Government property, and to filing false claims and false statements. Unisys will pay the Government another $10 million as a result of whistleblower Ralph D'Avino's qui tam suit under the amended false claims act. Part of the $190 million settlement is also the result of a qui tam suit brought by whistleblower Larry Elliott.

Operation Ill Wind resulted in numerous other successful prosecutions of defense contractors in the past 3 years. Hazeltine Corp., Teledyne Industries, Loral Corp., individual Unisys officials, Norden systems officials, Whittaker command and control systems, and cubic defense systems have all been convicted of stealing from the taxpayers under Governor Thornburgh's aggressive investigation of their practices.

The list of companies and executives Thornburgh brought to justice is still long. Boeing paid the Government $11 million in a settlement to resolve allegations of overcharging by its military airplanes division. Operation Uncover led to five major contractors—Raytheon, Hughes Aircraft, Grumman, Boeing, and RCA—pleading guilty to charges involving the illegal trafficking of sensitive Defense Department documents and agreeing to pay $15 million in civil claims. General Electric and Northrop were among other defense contractors convicted as a result of Justice Department prosecutions under Thornburgh.

General Thornburgh has been the Government's point man in attacking financial institutions fraud. In just the past fiscal year, 554 financial institutions have been formally charged with major fraud, 681 defendants have been convicted with a conviction rate of 94 percent, 665 defendants sentenced to jail 80 percent, millions of dollars in fines imposed, and even more millions in restitution payments ordered.

Attorney General Thornburgh also led the Justice Department during successful recoveries from individuals and organizations that defrauded the Government in connection with HUD and FDA. In one case, a woman in Maryland nicknamed "Robin HUD" was convicted of embezzling more than $6 million from the sale of HUD-owned properties. This may be the largest single theft of Government funds by an individual in American history.

I have been glad to see Governor Thornburgh's Justice Department so

vigilant in protecting the taxpayers from those who would defraud them.

Drug kingpins all over the globe have felt the effects of General Thornburgh's aggressive leadership of the war on drugs. General Thornburgh helped create a new legal regime for international drug trafficking, by encouraging the loosening of bank secrecy laws in Europe and elsewhere. Combined with our new money laundering statutes, these allow Justice to keep drug traffickers from spending their illicit profits.

By targeting the traffickers' profits, as well as their product through initiatives like Operation Polarcap, Justice has inflicted major damage on international crime. This has included prosecutions of numerous officers and employees of the Bank of Credit and Commerce International, BCCI, which has laundered drug profits for the Medellin cartel and perhaps others.

Panama's Manuel Noriega is finally facing trial for his drug crimes. Dozens of other drug kingpins have already been locked up, along with hundreds of their minions.

The public FISC has also benefited from the war on drugs. Under Thornburgh's Justice, more than $1 billion in cash and property has been recovered and added to the Department's assets forfeiture fund—$353 million of that has been shared with State and local law enforcement agencies. Thus, the drug dealers are paying for their own prosecutions.

Thornburgh's Department was highly successful in combatting domestic organized crime. Attorney General Thornburgh oversaw a major reorganization of the organized crime program, which has enhanced the Government's ability to fight the older Cosa Nostra crime families, as well as new criminal organizations such as the Jamaican posses and the Asian gangs.

Justice under Thornburgh has diligently defended individual liberties. Thornburgh created a new office to enforce the Americans With Disabilities Act, which office is currently drafting regulations detailing the parameters of compliance with ADA. Thornburgh significantly increased the Department's efforts to identify and prosecute perpetrators of hate crimes—acts of violence or intimidation motivated by racial, ethnic, or religious hatred—and to improve reporting of such crimes. In 1989, Justice pursued more than twice the number of Federal cases and prosecutions for hate crimes than in any previous year. In 1990, the Department had a 100-percent success rate in prosecuting hate crimes.

The Civil Rights Division has been aggressive in pursuing housing discrimination and voting rights cases. It has fought employment discrimination in both the North and South, and worked to eliminate the remaining vestiges of segregation in State university systems.

Mr. President, I could never practically list all the accomplishments of Governor Thornburgh during his tenure as Attorney General. Americans could not have had a more persistent protector of their rights to be free from crime, fraud, and discrimination. Clearly, the combination of experience as a prosecutor and as a chief executive makes for a first-rate leader of the Nation's law enforcement. With luck, we will soon have the benefit of his unique skills again in Washington.

UNEMPLOYMENT LEGISLATION

Mr. DOLE. Mr. President, yesterday the Senate and the House agreed to the conference report on unemployment insurance extended benefits. When the President receives this legislation, he will veto it, and it is my every expectation that that veto will be sustained.

This puts us in exactly the same position we were in prior to the August recess when this issue was debated. The only difference is that instead of not declaring an emergency, the President will need to veto this bill.

DEMOCRATS HAVE DONE NOTHING TO HELP UNEMPLOYED

In this Senator's opinion, during the last 2 months, my colleagues on the other side of the aisle have done absolutely nothing to help in getting extended benefits to America's unemployed workers.

Instead of trying to sit down and work this issue out, the proponents of the conference report intentionally sent a bill to the President that they knew he could not sign.

It is not that the President opposes extended benefits for unemployed Americans. It is that the President will not provide those extended benefits at the cost of destroying last year's budget agreement, adding $6.2 billion to an out-of-control deficit, and mortgaging our children's futures.

DOLE-DOMENICI-ROTH ALTERNATIVE

As promised, Mr. President, yesterday, after the debate was finished, I introduced the Dole-Domenici-Roth alternative as a free standing bill. This bill is cosponsored by a number of Senators, including the Senator from California [Mr. SEYMOUR], the Senators from Missouri [Mr. DANFORTH] and [Mr. BOND], the Senator from Texas [Mr. GRAMM], and the Senator from Indiana [Mr. LUGAR]. I urge my colleagues to study the bill and to throw their support behind it. It is a serious proposal and one that will get benefits out to those who need help.

It provides 6 weeks of additional extended benefits in all States and 10 weeks in those States facing higher unemployment.

In addition, the proposal directs the Secretary of Labor to tackle pockets of unemployment that are not reflected in the statewide or national economy as a whole.

Finally, Mr. President, this proposal pays for itself. There is no sequester and no need to declare an emergency. It does not increase the deficit 1 red cent, and it does not play politics at the cost of future generations of Americans.

The President has said he would sign this bill. That is another basic difference; he will sign this bill. That means that if the Senate and House were sending this bill to the President today instead of the poorly conceived, budget busting conference report, then we would have unemployment benefits going to the unemployed in the next couple weeks.

DURENBERGER/BURNS ALTERNATIVE

In addition to this proposal, Mr. President, the distinguished Senators from Minnesota and Montana, Senators DURENBERGER and BURNS, introduced an alternative which would provide for 8 and 15 weeks of additional benefits. While I cannot say for certain that the President would sign this proposal, I would certainly urge him to do that, or to make some compromise between the two proposals, because it does comply with the budget agreement and it is deficit neutral over 5 years.

The Durenberger-Burns alternative will provide more benefits to many States—roughly 32 States—than the conference report adopted yesterday. That is 8 and 15 weeks of additional benefits provided by a bill that is budget neutral and pays for itself.

CHOICE IS CLEAR

For this Senator, the choice could not be clearer. My colleagues on the other side of the aisle can continue to play politics and to try to have a showdown with the President by sending the same bad legislation to him. And the same result will ensue: No extended benefit checks will be in the mail.

Or we can take a serious look at the alternative offered by myself, the ranking member of the Budget Committee, and others, or the alternative offered by the Senators from Minnesota and Montana, Senators DURENBERGER and BURNS, and work something out.

Instead of debating politics on the floor and in the media—and I wish the media would understand there is an alternative out there that is responsible, that will pay for itself, and that they might take a serious look at that—we ought to make certain that the people, who through no fault of their own, the unemployed people, people with families, people with no food on the table—get relief soon. I do not think these people are sitting around today debating whether this is a Republican alternative or Democratic alternative. They want something done. They want something passed by the Congress that the President will sign. And they understand that their children, if they are going to have any future, that we

ought to be paying for these benefits as we go along.

Maybe we cannot be as generous as my colleagues on the other side, because they just charge it up to the next generation, charge it to your grandchildren, charge it to anybody; as long as we are spending money, who cares? That is the big difference between the two proposals. We pay for it. We pay for it. We do not add to the deficit.

My colleagues on the other side of the aisle do not care that they are adding $6.2 billion to the deficit.

I just suggest that families out of work are not sitting around the living room saying "I wish the Republican proposal was a little better; I wish the Democratic proposal was a little better"—whatever. I think what they are doing is trying to figure out where the next meal is coming from and where they are going to find a job and hoping that the Congress would look beyond politics and self-interest and send the President a bill that is fiscally responsible and a bill that he can sign.

If we do that—and we have time to do it yet this week. We can do it today. We ought to pass our bill, send both to the President, let the President make a choice. We should not go off for another weekend unless we resolve this issue. That way the checks can be in the mail and, for the unemployed, food can be on the table.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished minority leader for his comments that he just made. In all honesty, what is being done around here is an exercise in cynical politics. The fact is the approach that is being sent to the President, he has to veto it; there is nothing to pay for it. In all honesty, it is going to cost $6.2 billion if we can pay for it. It means that the budget agreement last year is broken. Once that is broken, there will be every one of these people who have special projects in this Congress coming up and saying it ought to be broken for that project as well.

The interesting thing about the minority leader's approach and those who support it, including myself, is that this is a bill that will be paid for under the current budget agreement, within that budget agreement, that will solve the problem, that the President will sign, and that will go from there, helping people in our society rather than playing a political game knowing that the President has to veto a $6.12 billion budget buster and then blaming him for being insensitive when he said he is willing to accept a bill that is within budget, within that budget agreement.

It seems to this Member it is an awfully cynical approach.

I compliment the minority leader for his skill and work on this side and I wish we had more help from the other side to resolve this problem. And I agree with him: Send both of them to the President; let the President choose which one. If the Democrat proposal is that much better, then he will be criticized for not choosing it if he does not. If the Republican proposal will work, then he should not be criticized for choosing it if he does. But let him make the choice, and not just play the cynical game of knowing he is going to veto the particular budget-busting bill and leaving the people out there without any help at all.

There is not a question of whether or not one side or the other is more willing to help those who are unemployed. We are all willing to. The question is are we going to break the budget in the process, going to break that agreement in the process, going to incalculably spend more money when we can do it in I think a reasonable and good way.

I compliment Senator DOLE for the work he has done on this and I wish we could be more bipartisan on these issues, especially when you have a President that made it very clear that the one bill is unacceptable.

I just thought I had to say that.

BROOKLINE ANNUAL TOWN MEETING

Mr. KERRY. Mr. President, today I wish to acknowledge a resolution passed at the Brookline annual town meeting in June of this year. The town meeting is an old Massachusetts institution of broadly representative democracy. The resolution notes that over the last decade there has been a sharp decrease in Federal spending for education, environment, and health care programs, and for community development block grants. This has been accompanied by a dramatic increase in military spending. Given the President's recent announcement of his planned nuclear weapons reductions, I concur with my constituents in Brookline in their call for a redirection in Federal spending from unnecessary military programs toward meeting the needs of our country's citizens.

I ask that a copy of a letter from the Brookline town moderator which contains the text of the resolution appear in the RECORD following my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

TOWN OF BROOKLINE, MA,
Brookline, MA, July 23, 1991.

Senator JOHN KERRY,
Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR KERRY: At the Brookline Annual Town Meeting in June, it was noted that spending for cities and towns, education, environment, health care and other human services has gone down sharply over the last decade to support dramatically increased military spending. Town Meeting Members expressed the view that with the breakup of the Warsaw Pact and the conclusion of the Persian Gulf War, it is time to reverse our spending priorities. Accordingly, the Meeting adopted the following Resolution:

Whereas the Town of Brookline has been forced to cut vital services, programs and employees because of decreased federal spending for cities and towns over the last decade; and

Whereas during this period, federal spending for community development block grants was sharply cut, federal revenue sharing was eliminated, while the military budget has increased dramatically; and

Whereas the $800 million expenditure for one B-1 bomber would go over most of the Massachusetts state budget deficit for 1991; and

Whereas the Persian Gulf war has now been concluded: Now, therefore, be it hereby

Resolved, That the Town Meeting directs the Moderator on behalf of the town Meeting to call upon our Congressional delegation, the Congress, and the President of the United States to redirect federal spending away from an emphasis on military spending and towards programs in such areas as the environment, energy conservation, public transportation, education, health care, housing and child care to meet the needs of the residents of Brookline and other communities throughout the nation, and be it further

Resolved that the Moderator send this resolution to newspapers of general circulation in this Town to be published and forwarded to our congressional delegation and to the President.

I would greatly appreciate a response to this communication which I can convey to the Brookline Town Meeting Members.

Sincerely,

JUSTIN L. WYNER,
Town Moderator.

CHIROPRACTIC CARE

Mr. THURMOND. Mr. President, prompted by developing needs and skyrocketing costs, America's health care system has undergone tremendous change in recent years. This change has led the Federal Government and its regulatory agencies, as well as individuals and insurance companies, to explore new ways of expanding access to health care while keeping costs to a minimum. One of the more significant aspects of this revised health care climate has been the yielding of traditional medicine to some new types of care.

As the search for optimum health care at minimum cost has intensified, so has the debate over the role individual health professions will play on our Nation's health care future. On September 23, Time magazine published an extensive article about the revolution in health care, concentrating specifically on the increasing acceptance of chiropractic as an alternative treatment for some conditions.

The Time article referred to a new body of research which is validating the effectiveness of chiropractic care in treating various complaints—especially low back pain, one of the most common and costly reasons for job absenteeism in the Nation. The article stresses the fact that the chiropractic profession—is daily gaining more re-

spect from practitioners of traditional medicine.

I ask unanimous consent that the article in Time, entitled "Is There a Method to Manipulation?," be included in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time magazine, Sept. 21, 1991]

IS THERE A METHOD TO MANIPULATION?

(By Andrew Purvis)

When internist Paul Shekelle was in medical school in the 1970s, the gentle art of chiropractic was widely viewed as bunk: heir to the tradition of bloodletting and rattlesnake oil. The American Medical Association's committee on quackery had branded the practice an "unscientific cult," and medical-school professors had obediently followed suit. The reluctance of the so-called back-crackers to submit their technique to the scrutiny of hard science served only to reinforce the official scorn. Recalls Shekelle: "They were seen as hucksters and charlatans trying to dupe the public into paying for useless care."

The public, meanwhile, seemed happy to be duped. Millions of Americans remained devoted to the healers' manipulative ways. And in recent years that enthusiasm has blossomed. About 1 in 20 Americans now sees a chiropractor during the course of a year. The number of U.S. practitioners jumped from 32,000 in the 1970s to 45,000 in 1990.

Chiropractic has even achieved a certain celebrity cachet. Quarterback Joe Montana got his brawny back manipulated on national TV (during the Superbowl pregame show). Cybill Shepherd grew so attached to her practitioner that she married him. Overseas, where chiropractic is both more popular and more widely accepted by doctors, Princess Di regularly gets her regal back cracked. And Russian ballet stars Vadim Pisarev and Marina Bogdanova reportedly would not risk an arabesque without a periodic adjustment.

Now, almost despite itself, mainstream medicine has started to take notice. Several authoritative studies have confirmed that chiropractic-style spinal manipulation is effective for the treatment of lower-back pain. Leading physicians now openly discuss the technique, and some are even referring their own patients to those once scorned colleagues. Concedes Dr. Shekelle, who directed one of the recent studies: "Their philosophy of disease is totally foreign to us. But for some conditions it sure seems to work."

The growing acceptance was apparent at this year's meeting of the American Academy of Orthopedic Surgeons, where for the first time a symposium was held on back manipulation, and about one-third of surgeons present admitted referring patients for the technique. Some 30 hospitals around the country now have chiropractors on staff, and multidisciplinary clinics that offer both medical and chiropractic care have sprung up in several urban centers. In addition, a small band of "research" chiropractors has begun testing the method in carefully designed clinical trials. "Manipulative medicine," declares Dr. Nortin Hadler, a rheumatologist at the University of North Carolina, "is no longer a taboo topic."

One reason for turnabout is that spinal manipulation has held up under study, at least for some conditions. In a report released this July by the Rand Corp., a prestigious research organization in Santa Monica, Calif., a panel of leading physicians, osteopaths and chiropractors found that chiropractic-style manipulation was helpful for a major category of patients with lower-back pain: people who are generally healthy but who had developed back trouble within the preceding two or three weeks. Another important study published last summer in the British Medical Journal compared chiropractic treatment with outpatient hospital care that included traction and various kinds of physical therapy. Its conclusion: spinal manipulation was more effective for relieving low-back aches for up to three years after diagnosis.

Such positive findings come despite the fact that no one is entirely sure how chiropractic manipulation works. Practitioners assert that they are correcting spinal "subluxations," which they describe as misalignments of vertebrae that result in damaging and often painful pressures on nerves in the spinal cord. Because nerves in the cord connect to every organ and body part, such misalignments, they say, can cause problems in the feet, hands and internal organs as well as the back.

Most doctors are skeptical of this theory. "Chiropractors may sound very authoritative," says Chicago rheumatologist Robert Katz, "but their basic understanding of the pathophysiology of the spine is simply not there." Chiropractors respond that they spend at least four years studying the subtleties of the spine, including exhaustive courses in anatomy, pathology, biochemistry and microbiology, and are in fact far more knowledgeable than many medical doctors about this anatomical region.

Whatever the benefits of manipulation and massage, many chiropractors admit that at least some of their success stems from their attentive manner and holistic approach to disease. Practitioners tend to discuss a patient's entire life-style, emphasizing stress reduction, a healthful diet, exercise and maybe even a change in work habits. Patients love it, especially after experiencing the sometimes narrow approach of medical specialists, who may thoroughly examine a body part without a hint of interest in the human being.

New York social worker Shoshana Shonfield, 40, for instance, was crushed when an orthopedic surgeon told her she would either have to live with chronic back pain or undergo radical disk surgery, with no guarantee of success. Then she found a chiropractor who, she recalls, "did all kinds of wonderful things." In addition to spinal manipulation, the practitioner served up a potpourri of health-care advice on everything from diet to correct posture and toning up muscles in the stomach and lower back. Now, she says, "my back is almost perfect. My body feels aligned; it feels straight."

One study in Washington State found that patients were significantly more satisfied with their chiropractor's manner than with their medical doctor's. Patients may even be too satisfied. One frequent complaint about chiropractors is that treatment goes on for too long. Patients become dependent on regular manipulation, and their therapists are all too happy to accommodate them. Alan Adams of the Los Angeles College of Chiropractors estimates that perhaps 10% to 15% of his colleagues are guilty of this.

While the vast majority of chiropractic patients are treated for back, neck and shoulder complaints as well as minor headaches, some 10% seek help for organic diseases of all sorts. Can manipulation help them? The chiropractic literature is replete with examples of astonishing cures of ulcers, hypertension, childhood asthma, blindness and even paraplegia. But individual case histories prove nothing, and organized studies are few and far between. Spinal manipulation has been shown to alter the heartbeat and the acidity of the stomach, says Peter Curtis, a medical professor at the University of North Carolina, who studied the technique, "but whether you can cure a peptic ulcer or angina is another question entirely." The A.M.A. withdrew its earlier condemnation of chiropractic as a cult in 1988—after federal courts ruled it an unfair restraint of trade—but it remains adamantly opposed to broad application of chiropractic therapy.

Of course, chiropractic could restrict itself to relieving back pain and still have its hands full. By some estimates, 75% of all Americans will suffer from low-back aches at some point in their lifetime. The annual cost to U.S. society of treating the ubiquitous ailment was recently tallied at a crippling $24 billion, compared with $6 billion for AIDS and $4 billion for lung cancer. If spinal manipulation could ease even a fraction of that financial burden, remaining skeptics might be forced to stifle their misgivings or get cracking themselves.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY AND MEDICAL LEAVE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 5, which the clerk will report.

The bill clerk read as follows:

A bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

Sec. 101. Definitions.
Sec. 102. Leave requirement.
Sec. 103. Certification.
Sec. 104. Employment and benefits protection.
Sec. 105. Prohibited acts.
Sec. 106. Administrative enforcement.
Sec. 107. Enforcement by civil action.
Sec. 108. Investigative authority.
Sec. 109. Relief.
Sec. 110. Special rules concerning employees of local educational agencies and private elementary and secondary schools.
Sec. 111. Notice.
Sec. 112. Regulations.

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

Sec. 201. Leave requirement.

TITLE III—COMMISSION ON LEAVE

Sec. 301. Establishment.
Sec. 302. Duties.
Sec. 303. Membership.
Sec. 304. Compensation.
Sec. 305. Powers.
Sec. 306. Termination.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Effect on other laws.
Sec. 402. Effect on existing employment benefits.
Sec. 403. Encouragement of more generous leave policies.
Sec. 404. Coverage of the Senate.
Sec. 405. Regulations.
*Sec. 406. Effective dates.*ERR08**

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing and the care of family members who have serious health conditions;

(3) the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for employees who have serious health conditions that prevent them from working for temporary periods;

(5) due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(b) PURPOSES.—It is the purpose of this Act—

(1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that accommodates the legitimate interests of employers;

(4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

SEC. 101. DEFINITIONS.

As used in this title:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) ELIGIBLE EMPLOYEE.—

(A) IN GENERAL.—The term "eligible employee" means any "employee", as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who has been employed by the employer with respect to whom leave is sought under section 102 for at least—

(i) 1,000 hours of service during the previous 12-month period; and

(ii) 12 months.

(B) EXCLUSIONS.—The term "eligible employee" does not include—

(i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II of this Act); or

(ii) any employee of an employer who is employed at a worksite at which such employer employs less than 50 employees if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

(3) EMPLOY; STATE.—The terms "employ" and "State" have the same meanings given such terms in subsections (g) and (c), respectively, of section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (g) and (c)).

(4) EMPLOYEE.—The term "employee" means any individual employed by an employer.

(5) EMPLOYER.—

(A) IN GENERAL.—The term "employer"—

(i) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(ii) includes—

(I) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(II) any successor in interest of an employer; and

(iii) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(B) PUBLIC AGENCY.—For purposes of subparagraph (A)(iii), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(6) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(7) HEALTH CARE PROVIDER.—The term "health care provider" means—

(A) a doctor of medicine or osteopathy that is legally authorized to practice medicine and surgery by the State in which the doctor performs such function or action; or

(B) any other person determined by the Secretary to be capable of providing health care services.

(8) PARENT.—The term "parent" means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

(9) PERSON.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(10) REDUCED LEAVE SCHEDULE.—The term "reduced leave schedule" means leave scheduled for fewer than the usual number of hours per workweek, or hours per workday, of an employee.

(11) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(12) SERIOUS HEALTH CONDITION.—The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves—

(A) inpatient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment or continuing supervision by a health care provider.

(13) SON OR DAUGHTER.—The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

SEC. 102. LEAVE REQUIREMENT.

(a) IN GENERAL.—

(1) ENTITLEMENT TO LEAVE.—Subject to section 103, an eligible employee shall be entitled to 12 workweeks of leave during any 12-month period—

(A) because of the birth of a son or daughter of the employee;

(B) because of the placement of a son or daughter with the employee for adoption or foster care;

(C) to care for the son, daughter, spouse, or parent of the employee who has a serious health condition; or

(D) because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

(2) EXPIRATION OF ENTITLEMENT.—The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) shall expire at the end of the 12-month period beginning on the date of the birth or placement involved.

(3) INTERMITTENT LEAVE.—Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employer of the employee agree otherwise. Subject to subsection (e), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary.

(b) REDUCED LEAVE.—On agreement between the employer and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which such employee is entitled under subsection (a).

(c) UNPAID LEAVE PERMITTED.—Except as provided in subsection (d), leave under subsection (a) may consist of unpaid leave.

(d) RELATIONSHIP TO PAID LEAVE.—

(1) UNPAID LEAVE.—If an employer provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.

(2) SUBSTITUTION OF PAID LEAVE.—

(A) IN GENERAL.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the employee for leave provided under subparagraph (A), (B), or (C) of subsection (a)(1) for any part of the 12-week period of such leave under such subparagraphs.

(B) HEALTH CONDITION.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under paragraph (1)(D) of subsection (a) for any part of the 12-week period of such leave under such paragraph, except that nothing in this Act shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(e) FORESEEABLE LEAVE.—

(1) REQUIREMENT OF NOTICE.—In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the eligible employee shall provide the employer with prior notice of such expected birth or adoption in a manner that is reasonable and practicable.

(2) DUTIES OF EMPLOYEE.—In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment or supervision, the employee—

(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee; and

(B) shall provide the employer with prior notice of the treatment or supervision in a manner that is reasonable and practicable.

(f) SPOUSES EMPLOYED BY THE SAME EMPLOYER.—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—

(1) under subparagraph (A) or (B) of subsection (a)(1); or

(2) to care for a sick parent under subparagraph (C) of such subsection.

SEC. 103. CERTIFICATION.

(a) IN GENERAL.—An employer may require that a claim for leave under subparagraph (C) or (D) of section 102(a)(1) be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide a copy of such certification to the employer.

(b) SUFFICIENT CERTIFICATION.—Certification provided under subsection (a) shall be sufficient if it states—

(1) the date on which the serious health condition commenced;

(2) the probable duration of the condition;

(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition; and

(4)(A) for purposes of leave under section 102(a)(1)(C), an estimate of the amount of time that the eligible employee is needed to care for the son, daughter, spouse, or parent; and

(B) for purposes of leave under section 102(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee.

(c) SECOND OPINION.—

(1) IN GENERAL.—In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 102(a)(1), the employer may require, at the expense of the employer, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b) for such leave.

(2) LIMITATION.—A health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employer.

(d) RESOLUTION OF CONFLICTING OPINIONS.—

(1) IN GENERAL.—In any case in which the second opinion described in subsection (c) differs from the opinion in the original certification provided under subsection (a), the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b).

(2) FINALITY.—The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employer and the employee.

(e) SUBSEQUENT RECERTIFICATION.—The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

SEC. 104. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—

(1) IN GENERAL.—Any eligible employee who takes leave under section 102 for the intended purpose of the leave shall be entitled, on return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) LOSS OF BENEFITS.—The taking of leave under section 102 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(3) LIMITATIONS.—Except as provided in subsection (b), nothing in this section shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave; or

(B) any right, benefit, or position of employment other than that to which the employee was entitled to on the date the leave was commenced.

(4) CERTIFICATION.—As a condition of restoration under paragraph (1), the employer may have a policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work, except that nothing in this paragraph shall supersede a valid State or local law or a collective bargaining agreement that governs the return to work of employees taking leave under section 102(a)(1)(D).

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit an employer from requiring an employee on leave under section 102 to periodically report to the employer on the status and intention of the employee to return to work.

(b) MAINTENANCE OF HEALTH BENEFITS.—During any period that an eligible employee takes leave under section 102, the employer shall maintain coverage under any "group health plan" (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).

SEC. 105. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

(3) has testified, or is about to testify in any inquiry or proceeding relating to any right provided under this title.

SEC. 106. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall issue such rules and regulations as are necessary to carry out this section, including rules and regulations concerning notice of foreseeable leave, service of complaints, notice of hearings, answers and amendments to complaints, and copies of orders and records of proceedings.

(b) CHARGES.—

(1) FILING.—Any person (including a class or organization, on behalf of any person) alleging an act that violates any provision of this title may file a charge respecting such violation with the Secretary. Charges shall be in such form and contain such information as the Secretary shall require by regulation.

(2) NOTIFICATION.—Not more than 10 days after the Secretary receives notice of a charge under paragraph (1), the Secretary—

(A) shall serve a notice of the charge on the person charged with the violation; and

(B) shall inform such person and the charging party as to the rights and procedures provided under this title.

(3) TIME OF FILING.—A charge shall not be filed more than 1 year after the date of the last event constituting the alleged violation.

(4) SETTLEMENT PRIOR TO DETERMINATION BY SECRETARY.—The charging party and the person charged with the violation under this section may enter into a settlement agreement concerning the violation alleged in the charge before any determination is reached by the Secretary under subsection (c). Such an agreement shall be effective unless the Secretary determines, not later than 30 days after the notice of the proposed agreement is received, that the agreement is not generally consistent with the purposes of this title.

(c) INVESTIGATION AND COMPLAINT ON NOTICE OF A CHARGE.—

(1) INVESTIGATION.—Not later than 60 days after the Secretary receives any charge respecting a violation of this title, the Secretary shall investigate the charge and issue a complaint based on the charge or dismiss the charge.

(2) DISMISSAL.—If, after conducting an investigation under paragraph (1), the Secretary determines that there is no reasonable basis for the charge that is being investigated, the Secretary shall dismiss the charge and promptly notify the charging party and the respondent as to the dismissal.

(3) COMPLAINT BASED ON CHARGE.—If, after conducting an investigation under paragraph (1), the Secretary determines that there is a reasonable basis for the charge, the Secretary shall issue a complaint based on the charge and promptly notify the charging party and the respondent as to the issuance.

(4) SETTLEMENT WITH SECRETARY.—On the issuance of a complaint under paragraph (3), the Secretary and the respondent may enter into a settlement agreement concerning a violation alleged in the complaint. Any such settlement shall not be entered into over the objection of the charging party, unless the Secretary determines that the settlement provides a full remedy for the charging party.

(5) CIVIL ACTIONS.—If, at the end of the 60-day period referred to in paragraph (1), the Secretary—

(A) has not made a determination under paragraph (2) or (3);

(B) has dismissed the charge under paragraph (2); or

(C) has disapproved a settlement agreement under subsection (b)(4) or has not entered into

a settlement agreement under paragraph (4) of this subsection;

the charging party may elect to bring a civil action under section 107. Such election shall bar further administrative action by the Secretary with respect to the violation alleged in the charge.

(6) COMPLAINT AND RELIEF ON INITIATIVE OF SECRETARY.—

(A) COMPLAINT.—The Secretary may issue and serve a complaint alleging a violation of this title on the basis of information and evidence gathered as a result of an investigation initiated by the Secretary pursuant to section 108.

(B) RELIEF.—On the issuance of a complaint under subparagraph (A), the Secretary may petition the United States district court for the district in which the violation is alleged to have occurred, or in which the respondent resides or transacts business, for appropriate temporary relief or a restraining order. On the filing of any such petition, the court shall cause notice of the petition to be served on the respondent, and the court shall have jurisdiction to grant to the Secretary such temporary relief or restraining order as the court determines just and proper.

(d) RIGHTS OF PARTIES.—

(1) SERVICE OF COMPLAINT.—In any case in which a complaint is issued under subsection (c), the Secretary shall, not later than 10 days after the date on which the complaint is issued, cause to be served on the respondent a copy of the complaint.

(2) PARTIES TO COMPLAINT.—Any person filing a charge alleging a violation of this title may elect to be a party to any complaint filed by the Secretary alleging such violation. Such election must be made prior to the commencement of a hearing.

(3) CIVIL ACTION.—The failure of the Secretary to comply in a timely manner with any obligation assigned to the Secretary under this title shall entitle the charging party to elect, at the time of such failure, to bring a civil action under section 107.

(e) CONDUCT OF HEARING.—

(1) PROSECUTION BY SECRETARY.—The Secretary shall have the duty to prosecute any complaint issued under subsection (c).

(2) HEARING.—An administrative law judge shall conduct a hearing on the record with respect to any complaint issued under this title. The hearing shall be commenced not later than 60 days after the issuance of such complaint, unless the judge, in the discretion of the judge, determines that the purposes of this Act would best be furthered by commencement of the action after the expiration of such period.

(f) FINDINGS AND CONCLUSIONS.—

(1) IN GENERAL.—After a hearing conducted under this section, the administrative law judge shall promptly make findings of fact and conclusions of law, and, if appropriate, issue an order for relief as provided in section 109.

(2) NOTIFICATION CONCERNING DELAY.—The administrative law judge shall inform the parties, in writing, of the reason for any delay in making such findings and conclusions if such findings and conclusions are not made within 60 days after the conclusion of such hearing.

(g) FINALITY OF DECISION; REVIEW.—

(1) FINALITY.—The decision and order of the administrative law judge under this section shall become the final decision and order of the Secretary unless, on appeal by an aggrieved party taken not later than 30 days after the entry of the order, the Secretary modifies or vacates the decision, in which case the decision of the Secretary shall be the final decision.

(2) REVIEW.—Not later than 60 days after the entry of the final order of the Secretary under paragraph (1), any person aggrieved by such final order may seek a review of such order in the United States court of appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

(3) JURISDICTION.—On the filing of the record of an order under this subsection with the court, the jurisdiction of the court shall be exclusive and the judgment of the court shall be final, except that the judgment shall be subject to review by the Supreme Court of the United States on writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) COURT ENFORCEMENT OF ADMINISTRATIVE ORDERS.—

(1) POWER OF SECRETARY.—If an order of the Secretary is not appealed under subsection (g)(2), the Secretary may petition the United States district court for the district in which the violation is alleged to have occurred, or in which the respondent resides or transacts business, for the enforcement of the order of the Secretary, by filing in such court a written petition praying that such order be enforced.

(2) JURISDICTION.—On the filing of a petition under paragraph (1), the court shall have jurisdiction to make and enter a decree enforcing the order of the Secretary. In such a proceeding, the order of the Secretary shall not be subject to review.

(3) DECREE OF ENFORCEMENT.—If, on appeal of an order under subsection (g)(2), the United States court of appeals does not reverse or modify such order, such court shall have the jurisdiction to make and enter a decree enforcing the order of the Secretary.

SEC. 107. ENFORCEMENT BY CIVIL ACTION.

(a) RIGHT TO BRING CIVIL ACTION.—

(1) IN GENERAL.—Subject to the limitations contained in this section, an eligible employee or any person, including a class or organization on behalf of any eligible employee, or the Secretary may bring a civil action against any employer (including any State employer) to enforce the provisions of this title in any appropriate court of the United States or in any State court of competent jurisdiction.

(2) NO CHARGE FILED.—Subject to paragraph (3), a civil action may be commenced under this subsection without regard to whether a charge has been filed under section 106(b).

(3) LIMITATIONS.—No civil action may be commenced under paragraph (1) if the Secretary—

(A) has approved a settlement agreement or has failed to disapprove a settlement agreement under section 106(b)(4) or 106(c)(4), as appropriate, if such action is based on a violation alleged in the charge and resolved by the agreement; or

(B) has issued a complaint under section 106(c)(3) or 106(c)(6), if such action is based upon a violation alleged in the complaint.

(4) ENFORCEMENT OF SETTLEMENT AGREEMENTS.—Notwithstanding paragraph (3)(A), a civil action may be commenced to enforce the terms of any such settlement agreement.

(5) TIMING OF COMMENCEMENT OF CIVIL ACTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no civil action may be commenced later than 1 year after the date of the last event that constitutes the alleged violation.

(B) EXCEPTION.—In any case in which—

(i) a timely charge is filed under section 106(b); and

(ii) the failure of the Secretary to issue a complaint or enter into a settlement agreement based on the charge (as provided under section 106(c)(4)) occurs later than 11 months after the date on which any alleged violation occurred;

the charging party may commence a civil action not later than 60 days after the date of such failure.

(6) AGENCIES.—The Secretary shall not bring a civil action against any agency of the United States.

(7) EXCLUSIVE JURISDICTION ON COMPLAINT.—On the filing of a complaint with the court under this subsection, the jurisdiction of the court shall be exclusive.

(b) VENUE.—An action brought under subsection (a) in a district court of the United States may be brought—

(1) in any appropriate judicial district under section 1391 of title 28, United States Code; or

(2) in the judicial district in the State in which—

(A) the employment records relevant to such violation are maintained and administered; or

(B) the aggrieved person worked or would have worked but for the alleged violation.

(c) NOTIFICATION OF THE SECRETARY; RIGHT TO INTERVENE.—A copy of the complaint in any action by an eligible employee under subsection (a) shall be served on the Secretary by certified mail. The Secretary shall have the right to intervene in a civil action brought by an employee under subsection (a).

(d) ATTORNEYS FOR THE SECRETARY.—In any civil action under subsection (a), attorneys appointed by the Secretary may appear for and represent the Secretary, except that the Attorney General and the Solicitor General shall conduct any litigation in the Supreme Court.

SEC. 108. INVESTIGATIVE AUTHORITY.

(a) IN GENERAL.—To ensure compliance with the provisions of this title, or any regulation or order issued under this title, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)).

(b) OBLIGATION TO KEEP AND PRESERVE RECORDS.—Any employer shall keep and preserve records in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations issued by the Secretary.

(c) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to section 106.

(d) SUBPOENA POWERS, ETC.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

SEC. 109. RELIEF.

(a) INJUNCTIVE RELIEF.—

(1) CEASE AND DESIST.—On finding a violation under section 106, the administrative law judge shall issue an order requiring such person to cease and desist from any act or practice that violates this title.

(2) INJUNCTIONS.—In any civil action brought under section 107, the court may grant as relief against any employer (including any State employer) any permanent or temporary injunction, temporary restraining order, or other equitable relief as the court determines appropriate.

(b) MONETARY DAMAGES.—

(1) IN GENERAL.—Any employer (including any State employer) that violates any provision of this title shall be liable to the injured party in an amount equal to—

(A) any wages, salary, employment benefits, or other compensation denied or lost to such eligible employee by reason of the violation, plus interest on the total monetary damages calculated at the prevailing rate; and

(B) an additional amount equal to the greater of—

(i) the amount determined under subparagraph (A), as liquidated damages; or

(ii) consequential damages, not to exceed 3 times the amount determined under such subparagraph.

(2) GOOD FAITH.—If an employer who has violated this title proves to the satisfaction of the administrative law judge or the court that the act or omission that violated this title was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of this title, such judge or the court may, in the discretion of the judge or court, reduce the amount of the liability provided for under this subsection to the amount determined under paragraph (1)(A).

(c) ATTORNEY'S FEES.—A prevailing party in an action described under this section (other than the United States) may be awarded a reasonable attorney's fee as part of the costs, in addition to any relief awarded. The United States shall be liable for costs in the same manner as a private person.

(d) LIMITATION.—Damages awarded under subsection (b) shall not accrue from a date that is earlier than 2 years prior to the date on which a charge is filed under section 106(b) or a civil action is brought under section 107.

SEC. 110. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Except as otherwise provided in this section, the rights (including the rights under section 104, which shall extend throughout the period of leave of any employee under this section), remedies, and procedures under this Act shall apply to—

(1) any "local educational agency" (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and its employees; and

(2) any private elementary and secondary school and its employees.

(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency and a private elementary and secondary school shall not be in violation of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency or school exercising the rights of such employee under this Act.

(c) INTERMITTENT LEAVE FOR INSTRUCTIONAL EMPLOYEES.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which an employee employed principally in an instructional capacity by any such educational agency or school seeks to take leave under subparagraph (C) or (D) of section 102(a)(1) that is foreseeable based on planned medical treatment or supervision and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency or school may require that such employee elect either—

(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment or supervision; or

(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that—

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(2) APPLICATION.—The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an employee who complies with section 102(e)(2).

(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any employee employed principally in an instructional capacity by any such educational agency or school:

(1) LEAVE MORE THAN 5 WEEKS PRIOR TO END OF TERM.—If the employee begins leave under section 102 more than 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of at least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) LEAVE LESS THAN 5 WEEKS PRIOR TO END OF TERM.—If the employee begins leave under subparagraph (A), (B), or (C) of section 102(a)(1) during the period that commences 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) LEAVE LESS THAN 3 WEEKS PRIOR TO END OF TERM.—If the employee begins leave under paragraph (A), (B), or (C) of section 102(a)(1) during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the agency or school may require the employee to continue to take leave until the end of such term.

(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 104(a)(1)(B) (relating to the restoration of an employee to an equivalent position), in the case of a local educational agency or a private elementary and secondary school, such determination shall be made on the basis of established school board policies and practices, private school policies and practices, and collective bargaining agreements.

(f) REDUCTION OF THE AMOUNT OF LIABILITY.—If a local educational agency or a private elementary and secondary school that has violated title I proves to the satisfaction of the administrative law judge or the court that the agency, school, or department had reasonable grounds for believing that the underlying act or omission was not a violation of such title, such judge or court may, in the discretion of the judge or court, reduce the amount of the liability provided for under section 109(b)(1) to the amount determined under subparagraph (A) of such section.

SEC. 111. NOTICE.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary, setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertaining to the filing of a charge.

(b) PENALTY.—Any employer that willfully violates this section shall be assessed a civil money penalty not to exceed $100 for each separate offense.

SEC. 112. REGULATIONS.

Not later than 60 days after the date of enactment of this title, the Secretary shall prescribe such regulations as are necessary to carry out this title (including regulations under section 106(a)).

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

SEC. 201. LEAVE REQUIREMENT.

(a) CIVIL SERVICE EMPLOYEES.—

(1) IN GENERAL.—Chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER V—FAMILY LEAVE

"§6381. Definitions

"For purposes of this subchapter:

"(1) The term 'employee' means—

"(A) an 'employee', as defined by section 6301(2) of this title (excluding an individual employed by the Government of the District of Columbia); and

"(B) an individual described in clause (v) or (ix) of such section;

who has been employed for at least 12 months and completed at least 1,000 hours of service during the previous 12-month period.

"(2) The term 'serious health condition' means an illness, injury, impairment, or physical or mental condition that involves—

"(A) inpatient care in a hospital, hospice, or residential medical care facility; or

"(B) continuing treatment, or continuing supervision, by a health care provider.

"(3) The term 'son or daughter' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

"(A) under 18 years of age; or

"(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

"(4) The term 'parent' means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

"§6382. Leave requirement

"(a)(1) An employee shall be entitled, subject to section 6383, to 12 workweeks of leave during any 12-month period—

"(A) because of the birth of a son or daughter of the employee;

"(B) because of the placement of a son or daughter with the employee for adoption or foster care;

"(C) in order to care for the son, daughter, spouse, or parent of the employee who has a serious health condition; or

"(D) because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

"(2) The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

"(3) Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employing agency agree otherwise. Leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary, subject to subsection (e).

"(b) On agreement between the employing agency and the employee, leave under this section may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled under this section.

"(c) Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave.

"(d)(1) If an employing agency provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.

"(2)(A) An employee may elect, or an employing agency may require the employee, to substitute for leave under subparagraph (A), (B), or (C) of subsection (a)(1) any of the accrued paid vacation leave, personal leave, or family leave of the employee for any part of the 12-week period of such leave under such paragraph.

"(B) An employee may elect, or an employing agency may require the employee, to substitute for leave under paragraph (1)(D) of subsection (a) any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for any part of the 12-week period of such leave under such paragraph, except that nothing in this Act shall require an employing agency to provide paid sick leave or paid medical leave in any situation in which such employing agency would not normally provide any such paid leave.

"(e)(1) In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the employee shall provide the employing agency with prior notice of such expected birth or adoption in a manner that is reasonable and practicable.

"(2) In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment or supervision, the employee—

"(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse or parent of the employee; and

"(B) shall provide the employing agency with prior notice of the treatment or supervision in a manner that is reasonable and practicable.

"§6383. Certification

"(a) An employing agency may require that a claim for leave under subparagraph (C) or (D) of section 6382(a)(1), be supported by certification issued by the health care provider of the employee or of the son, daughter, spouse, or parent of the employer, as appropriate. The employee shall provide a copy of such certification to the employing agency.

"(b) A certification under subsection (a) shall be sufficient if it states—

"(1) the date on which the serious health condition commenced;

"(2) the probable duration of the condition;

"(3) the appropriate medical facts within the knowledge of the provider regarding the condition; and

"(4)(A) for purposes of leave under section 6382(a)(1)(C), an estimate of the amount of time that the eligible employee is needed to care for the son, daughter, spouse, or parent; and

"(B) for purposes of leave under section 6382(a)(1)(D), a statement that the employee is unable to perform the functions of the employee's position.

"(c)(1) In any case in which the employing agency has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 6382(a)(1), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a second health care provider designated or approved by the employing agency concerning any information certified under subsection (b) for such leave.

"(2) Any health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employing agency.

"(d)(1) In any case in which the second opinion described in subsection (c) differs from the original certification provided under subsection (a), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employing agency and the employee concerning the information certified under subsection (b).

"(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employing agency and the employee.

"(e) The employing agency may require that the employee obtain subsequent recertifications on a reasonable basis.

"§6384. Job protection

"(a) Any employee who takes leave under section 6382 for the intended purpose of the leave shall be entitled, upon return from such leave—

"(1) to be restored by the employing agency to the position of employment held by the employee when the leave commenced; or

"(2) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

"(b) The taking of leave under section 6382 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

"(c) Nothing in this section shall be construed to entitle any restored employee to—

"(1) the accrual of any seniority or employment benefits during any period of leave; or

"(2) any right, benefit, or position of employment other than that to which the employee was entitled to on the date the leave was commenced.

"(d) As a condition to restoration under subsection (a), the employing agency may have a policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work.

"(e) Nothing in this section shall be construed to prohibit an employing agency from requiring an employee on leave under section 6382 to periodically report to the employing agency on the status and intention of the employee to return to work.

"§6385. Prohibition of coercion

"(a) An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of the rights of the employee under this subchapter.

"(b) For the purpose of this section, 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation).

"§6386. Health insurance

"An employee enrolled in a health benefits plan under chapter 89 who is placed in a leave status under section 6382 may elect to continue the health benefits enrollment of the employee while in leave status and arrange to pay into the Employees Health Benefits Fund (described in section 8909) through the employing agency of the employee, the appropriate employee contributions.

"§6387. Regulations

"The Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall be consistent with the regulations prescribed by the Secretary of Labor under title I of the Family and Medical Leave Act of 1991.".

(2) TABLE OF CONTENTS.—The table of contents for chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following:*ERR08*

"SUBCHAPTER V—FAMILY LEAVE AND TEMPORARY MEDICAL LEAVE

"6381. Definitions.
"6382. Leave requirement.
"6383. Certification.
"6384. Job protection.
"6385. Prohibition of coercion.
"6386. Health insurance.
"6387. Regulations.".*ERR08*

(b) EMPLOYEES PAID FROM NONAPPROPRIATED FUNDS.—Section 2105(c)(1) of title 5, United States Code, is amended by striking out "53" and inserting in lieu thereof "53, subchapter V of chapter 63,".

TITLE III—COMMISSION ON LEAVE

SEC. 301. ESTABLISHMENT.

There is established a commission to be known as the Commission on Leave (hereinafter referred to in this title as the "Commission").

SEC. 302. DUTIES.

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed policies relating to leave;

(B) the potential costs, benefits, and impact on productivity of such policies on employers; and

(C) alternative and equivalent State enforcement of this Act with respect to employees described in section 110(a); and

(2) not later than 2 years after the date on which the Commission first meets, prepare and submit, to the appropriate Committees of Congress, a report that may include legislative recommendations concerning coverage of businesses that employ fewer than 50 employees and alternative and equivalent State enforcement of this Act with respect to employees described in section 110(a).

SEC. 303. MEMBERSHIP.

(a) COMPOSITION.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 voting members and 2 ex officio members to be appointed not later than 60 days after the date of the enactment of this Act as follows:

(A) SENATORS.—One Senator shall be appointed by the Majority Leader of the Senate, and one Senator shall be appointed by the Minority Leader of the Senate.

(B) MEMBERS OF HOUSE OF REPRESENTATIVES.—One Member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives.

(C) ADDITIONAL MEMBERS.—

(i) APPOINTMENT.—Two Members each shall be appointed by—

(I) the Speaker of the House of Representatives;

(II) the Majority Leader of the Senate;

(III) the Minority Leader of the House of Representatives; and

(IV) the Minority Leader of the Senate.

(ii) EXPERTISE.—Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor-management issues and shall include representatives of employers.

(2) EX OFFICIO MEMBERS.—The Secretary of Health and Human Services and the Secretary of Labor shall serve on the Commission as nonvoting ex officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among the members of the Commission.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

SEC. 304. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

SEC. 305. POWERS.

(a) MEETINGS.—The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. On the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director from the personnel of any Federal agency to assist the Commission in carrying out the duties of the Commission.

(e) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(f) PERSONNEL FROM OTHER AGENCIES.—On the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to assist the Commission in carrying out the duties of the Commission.

SEC. 306. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of the report of the Commission to Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTI-DISCRIMINATION LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.

(b) STATE AND LOCAL LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to supersede any provision of any State and local law that provides greater employee leave rights than the rights established under this Act or any amendment made by this Act.

SEC. 402. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act or any amendment made by this Act shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family and medical leave rights to employees than the rights provided under this Act or any amendment made by this Act.

(b) LESS PROTECTIVE.—The rights provided to employees under this Act or any amendment made by this Act shall not be diminished by any collective bargaining agreement or any employment benefit program or plan.

SEC. 403. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this Act or any amendment made by this Act.

SEC. 404. COVERAGE OF THE SENATE.

(a) COVERAGE.—

(1) APPLICATION.—The rights and protections established under sections 101 through 105 shall apply with respect to a Senate employee and an employing authority of the Senate.

(2) DEFINITIONS.—For purposes of the application described in paragraph (1)—

(A) the term "eligible employee" means a Senate employee; and

(B) the term "employer" means an employing authority of the Senate.

(b) INVESTIGATION AND ADJUDICATION OF CLAIMS.—All claims raised by any individual with respect to Senate employment, pursuant to sections 101 through 105, shall be investigated and adjudicated by the Select Committee on Ethics, pursuant to S. Res. 338, 88th Congress, as amended, or such other entity as the Senate may designate.

(c) RIGHTS OF EMPLOYEES.—The Committee on Rules and Administration shall ensure that Senate employees are informed of their rights under sections 101 through 105.

(d) APPLICABLE REMEDIES.—When assigning remedies to individuals found to have a valid claim under sections 101 through 105, the Select Committee on Ethics, or such other entity as the Senate may designate, should to the extent practicable apply the same remedies applicable to all other employees covered by such sections. Such remedies shall apply exclusively.

(e) EXERCISE OF RULEMAKING POWER.—Notwithstanding any other provision of law, enforcement and adjudication of the rights and protections referred to in subsection (a) shall be within the exclusive jurisdiction of the United States Senate. The provisions of subsections (b), (c), and (d) are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

SEC. 405. REGULATIONS.

The Secretary of Labor shall prescribe such regulations as are necessary to carry out sections 401 through 403 not later than 60 days after the date of the enactment of this Act.

SEC. 406. EFFECTIVE DATES.

(a) TITLE III.—Title III shall take effect on the date of the enactment of this Act.

(b) OTHER TITLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), titles I and II and this title shall take effect 6 months after the date of the enactment of this Act.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by paragraph (1), title I shall apply on the earlier of—

(A) the date of the termination of such agreement; or

(B) the date that occurs 12 months after the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Thank you, Mr. President. Today I am offering, with my colleagues from Kentucky, Senator FORD, and Indiana, Senator COATS, a compromise amendment, which is a substitute for S. 5, the Family and Medical Leave Act. As a general rule, I have opposed mandates, including some past parental leave legislation. I have even opposed mandates which were supported by 9 out of 10 Members of this body, but I do believe that a case can be made for the adoption of mandates when there are critical national needs.

Can anyone question that strengthening families in America today is a critical national need? Point to a social problem in our country today and very often it can be traced back to an empty childhood or a shattered family. Drugs, violence, crime, all stem in large part from a breakdown of families.

Mr. President, I regret that the issue before us has turned into such a partisan fight.

I regret that because it makes it difficult for me to offer this amendment in the spirit of bipartisanship and compromise and because I feel that a full debate of the issues, rather than which party is doing what to whom, is what is called for now.

After years of stalemate on the family leave issue, it is time to strengthen families facing tough times. It is time to break the deadlock on this issue with a compromise that will work for families as well as main street businesses.

The workplace of the nineties cannot live by the rules of the 1950's. The fact is that more mothers of young children, even infants, work outside the home than ever before. In 1988, married women with young children comprised the majority of new entrants in to the labor force. More than half of women with young infants return to work outside the home within a year of their child's birth. And contrary to what some of the opponents would have you believe, it is not necessarily out of choice that they do so. In most families it simply takes two incomes to pay the bills. To prove my point: we know that more than two-thirds of women in the work force in the United States today are either single parents or have husbands who earn less than $18,000 per year. The fact is a family of three or four cannot live comfortably on under $18,000 per year in most parts of this country. Surveys show us that many married couples would choose to have one person stay home full-time if money were not an object, but it is.

So what happens when a family faces an emergency, an illness, or unexpected chance to adopt, but both partners work? Well, they had better hope they have an understanding employer. Chances are, their employers will not provide coverage for these situations. A 1990 Bureau of Labor statistic study found that only 37 percent of female employees have maternity leave. And of the Fortune 1,500 companies, where one might expect the best coverage of workers, only half offered parental leave beyond the standard 6-week maternity-as-disability period.

Paternity leave is extremely scarce. A 1990 Bureau of Labor statistics study found that only 18 percent of fathers at medium and large firms are covered by unpaid paternity leave. In an era where women contribute to their families' paychecks as a general rule, and some earn more than their husbands, we ought to have policies in place where

men can share in child-care responsibilities, if that is what the family chooses.

According to the Chamber of Commerce, 82 percent of employers provide no leave to care for sick children. And if an employee is sick himself or herself, there is a good chance that he or she works for a company that does not even provide sick leave.

Lower income and younger workers are the hardest hit. They are the least likely of all workers to be covered by employee leave policies. The Census Bureau has found that the less education a woman has, the less likely she is to have leave when she gives birth: Of women with less than a high school education, only 36 percent had leave, compared to 79 percent of women with at least 4 years of college. And women in their teens and twenties were less likely to have leave when they gave birth than those over 30.

Employees without adequate leave suffer increased unemployment, something which surely should be factored in when we are talking about the costs of this legislation. The Census Bureau study found that 71 percent of women giving birth who had leave were back at work within 6 months of the birth, compared to only 43 percent of those without leave. The Institute of Womens' Policy Research has found that of female employees who give birth and return to the job market, employees without leave experience on average an additional 104 hours of unemployment solely attributable to lack of leave.

Many companies have told me that they will offer unpaid leave for family needs on a case by case basis, but I believe the statistics I have just cited point out the need for a basic, minimal job protection standard on which all employees can count.

Mr. President, I have not come easily to the position I now hold. For the last several years as I have examined the issues surrounding family and medical leave legislation, I have struggled with two seemingly contradictory beliefs: First, that government should stay out of business' way wherever possible to encourage economic growth and job creation; and second, that as a society we must put children and families first. Indeed, it is well-documented that many of our social afflictions—substance abuse, teen pregnancy, crime and the like—can be traced back to the lack of family structure in an individual's life. Over the last 30 years we have proven that government cannot substitute for families, but we can adopt policies that will strengthen families. And in the case of family leave, we can ensure that employers are provided with a guarantee of job protection to attend to family concerns, in a way that is minimally disruptive to the workplace.

In an effort to address some of the concerns of employers about S. 5's vagueness, potential for abuse and litigation, potential burdensome costs and unwieldy enforcement procedures, my colleagues from Kentucky and Indiana and I have come up with a series of changes which we believe make the bill more workable, and I hope, more palatable.

I should like to highlight what the amendment would do:

First, it contains the same minimum job protection now in S. 5—we would provide up to 12 weeks of unpaid leave per year for the birth or adoption of a child, or the serious illness of the employee or an immediate family member.

All businesses employing fewer than 50 workers would be exempt, and eligibility would be restricted to those who have worked 1,250 hours, or 25 per week, over the previous year. In addition, they would have to have worked for that company for at least 1 year.

Highly compensated key employees would be exempt from coverage if their absence posed an economic hardship to the employer.

We have completely rewritten the enforcement sections to eliminate quadruple damages and to use instead a procedure paralleling the Fair Labor Standards Act, a well-known commodity for both employer and employee.

We have limited the potential for abuse of the leave by requiring that serious health conditions be such that an employee is unable to perform the functions of his or her position or that the employee can prove he or she is needed to care for a sick family member. Certification by a doctor would be required before an employee could take leave. Further, we require that employees provide at least 30 days notice of intention to take leave wherever the need is foreseeable.

Under the substitute, employers would be allowed to recapture health insurance premiums in cases where an employee simply did not return to work.

And employers are given the flexibility to deal with a potentially disruptive leave situation by transferring an employee to an equivalent alternative position.

Taken together, these changes mean the potential for abuse has been drastically curtailed, the employer has the flexibility to accommodate leave situations and the employer no longer needs to fear the potential of frivolous, costly lawsuits.

Now, family leave opponents are arguing that these changes don't address the real concerns of employers—some are even arguing that these changes will make the bill worse.

Mr. President, the simple fact is that opponents of this bill, particularly Washington business lobbyists, don't want to see any changes that might make family leave workable; they are only concerned with its defeat. And some say that they are not weighing this legislation on its merits; they are concerned only about the precedent it will set. Their great concern is that passage of this bill will set us down an irrevocable path of mandating all types of benefits, paid and unpaid. And in order to win this debate, they would have you believe, and the people that they claim to represent believe that the battle we are fighting today is that of government-mandated paid leave for all employees in all circumstances.

Mr. President, that is not the battle we are fighting. That is not the issue at hand. The fact is that 95 percent of all employers, and all of small business, is exempt from coverage of this bill.

And this legislation does not impose burdensome costs. The cost of the average employer's benefits package, when you include health, vacation, pension, unemployment insurance, Social Security contributions, and holidays, exceeds $10,000 per year.

The average cost of this legislation to employers according to the GAO is $5.30 cents per year. GAO has estimated that at most 1 in 275 workers would take the unpaid leave at any given time. That means a business below 100 employees, 50 to 100 workers, would be at most likely to face the situation only once or twice a year and maybe not that often.

Mr. President, as we debate this issue I think it is important to distinguish between the legitimate concerns business people have about making something they want to do—and making them do something they do not want to do, and in many cases already do—workable and the fears and demons which the Washington lobbyists have conjured up to defeat this legislation.

Our compromise addresses the former, not the latter. But I hope over the course of the debate we can persuade our colleagues than we can debunk the crazy myths propounded by some members of the Washington lobby corps, and move on toward enactment of a compromise which will strike a good balance between providing for the needs of American employees and the legitimate concerns of their employers.

I believe we have dealt fairly with the concerns of employers in this country. The larger issue here is strengthening families.

I would like to take just a few remaining moments to highlight the comments of a man I worked with and have a great respect for, T. Berry Brazelton, in an opinion editorial which appeared in the Wall Street Journal called "The Family Leave Act, From the Baby's Point of View." He talks about the family leave debate in the context of the family stress. He says:

> We need to concentrate on a form of desperation that doesn't make the headlines—that of middle-class families. The tension

created by the necessity for both parents to be in the work force pervades their lives. The parents feel there is not enough time left for caring for their children. The family as a nurturing environment for children seems to be disintegrating. We watch the television pictures of children in Romania's orphanages with long-distance pity. But we are cheating our own children of their childhood as surely as did Ceausescu when he set up orphanages in Romania.

Dr. Brazelton concludes that family bonding after a child is born is crucial to both the baby's well-being and the well-being of the family. The baby's well-being ought to be our key concern, and it is a major objective of this legislation.

Similarly Dr. C. Everett Koop, former Surgeon General, whose general hospital background is pediatrics, emphasizes the importance of the bonding process after birth or adoption in a letter of support for the Family and Medical Leave Act. He goes on to say that:

Hospitalized children recover more quickly if one or both of their parents can be on hand to love and comfort them to strengthen their determination, to buoy their morale. There is no doubt that when there was someone in a parental role who was interested in a child and his or her recovery, the child was happier and ultimately, in my judgment, healthier.

I conclude my remarks about this amendment at this time with a thought directed at some of my Republican colleagues. Of some of the more outrageous assertions in this debate, I have been accused of trying to weaken the Republican Party. I think that is outrageous. If anything, I hope that Republicans stand for strengthening families, as we always have. I believe that this substitute does just that, and I urge my colleagues' support.

Mr. President, I ask unanimous consent that the Chair count the time that we have just used against our share of the 2 hours on the Bond-Ford-Coats amendment. I need to confer with my cosponsors before formally calling up the amendment to see if there are any final changes but I believe in the interest of expeditious hearing of this matter that my remarks should be counted toward that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

It is the Chair's understanding that the two managers are to speak before any amendment is sent up.

Mr. FORD. Mr. President, the Chair is correct, and I ask that Senator BOND have charge of the 2 hours which is equally divided, and ask that he yield me approximately 10 minutes.

Mr. BOND. Mr. President, I am happy to yield my colleague from Kentucky such time as he may require.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, first let me compliment my good friend, Senator DODD from Connecticut, for his persistence, patience, and ability to accept the push and pull that has taken place as it relates to bringing this place of legislation to the floor.

Also, let me compliment my friend from Missouri, Senator BOND, for his effort in working to come up with a compromise that business could be more comfortable with, one that I believe will be acceptable, and my neighbor to the north, Senator COATS, who has worked diligently to put this piece of legislation or our proposed substitute together.

I regret that a party has to, I guess, lower itself to a point where they accuse an individual of damaging the Republican Party because a Member or two from that party would like to help families, would like to help children, would like to make us more productive through a good feeling of employment.

So I say to my friend from Missouri, let it roll off his back like water off a duck's back, if they criticize him because what he is doing is in the best interests of family, children, and productivity.

The other industrial nations that are going ahead of this country have the family leave program. So if they are getting ahead of us maybe we are doing something wrong.

So I hope he will not let it bother him too much and he will not lose too much sleep at night from criticism within his own party.

I am pleased that the Senate will now be able to get on with the action on the Family and Medical Leave Act, S. 5. The small business compromise that I and my distinguished colleagues, Senators BOND and COATS, are offering to this measure is an honest attempt to respond to the legitimate concerns of the business community. We have attempted to produce a workable bill for business that will ensure that workers will not have to choose jobs over families in times of family crisis and emergency.

The fact is, Mr. President, that 25 percent of all our children live in single-family homes, and it is growing. There are 11 million children under the age of 6 in this Nation who have full-time working mothers. When that child becomes ill, his or her parent must often jeopardize their job in order to care for that child.

According to the former Surgeon General, C. Everett Koop—and my distinguished friend elaborated on this—a hospitalized child recovers more quickly if one or both parents can be at the child's side. I do not believe there is a Senator here who, if they had a child that was in trouble, or had been injured, or was sick, would not be at that child's side. Yet, we do not want to pass a piece of legislation, or some do not want to pass this legislation, to give everyone an opportunity to go and be by their child or parent's side in time of emergency.

But if that parent—who in 1 out of 4 cases, 25 percent, is a single parent, does not have access to leave or must risk losing their job and possibly their health care coverage at a time when the family needs it most—does not take leave that child will suffer.

The fact is, Mr. President, 1 million full-time working moms require care for both their disabled parent and one or more children. The fact is an estimated 80 to 90 percent of all the care for the elderly today is informed care provided by the families. Let me repeat that: 80 to 90 percent of all the care for our elderly today is informal care provided by families.

When that parent becomes ill, or develops life-threatening conditions, such as Alzheimer's disease, cancer, or stroke, and needs care, his or her children must jeopardize their job in order to care for them.

So as we say down in west Kentucky, Mr. President, something about that "ain't" right.

As our society ages, the demands on adult children to provide basic care and support will increase. In those cases where an adult child has no access to a vacation or emergency leave, that parent will suffer.

As Americans' workplace changes, the need for uniform jobs protection increases. Women are now up to 45 percent of our work force. By about 1995, more than 65 percent of our preschool children will have a mother working full time. If business and industry are to continue to grow, we must recognize and value the needs of these workers.

While I wish we could depend upon business to voluntarily do the right thing for these workers, it is clear that this is not the case. Moreover, as our society becomes more mobile, workers need to know that uniform protection will be available.

Senators BOND, COATS, and I have listened long and hard to the concerns of the business community, and many of them were legitimate. The changes included in our compromise provide maximum flexibility for employers to accommodate family needs without disrupting the workplace.

The bottom line is, for as little as $5.30 per employee per year, this bill will bring both stability and increased productivity to our work force by assuring workers that they will not lose their jobs if they put their families first. Knowing that they will not be put in the position of choosing between family needs and a job, workers will be more productive, more loyal to their employers, and will ultimately provide a more stable work force for their employers.

We believes we have a good, balanced compromise. I believe that this bill is not a mandated benefits bill, but a family value bill. While we cannot legislate values in this body, we can stand up for those things that we believe are right and in the best interest of this Nation. As we continue to grow and

compete with other developed nations, such as Germany and Japan, who have family leave policies, we must ensure that the very values that made this Nation great are not undermined by our drive to be competitive. Given the chance and the full story, I believe that most businesses will support this measure.

In my visits across Kentucky during August, and in recent conversations with Kentucky businessmen and women, I find that when you explain this bill to them, and the changes that we are proposing in the Bond-Ford-Coats compromise, they tend to move such problems with the bill.

On Main Street, U.S.A. businessmen and women are also family men and women who understand the value of allowing parents to be good parents and children to be supportive children in times of need. Let me give my colleagues an actual example of what I think is happening with this bill.

On Monday, my office was flooded with calls from businesses opposed to this bill, ginned up by those organizations inside the beltway trying to substantiate the high salaries they get, and they did not legitimately tell the small businessmen what the Ford-Bond-Coats compromise was. They got that same old song, same old song. Most used the standard line that they oppose mandated benefits. One particular small businessman from one of our poorer regions in rural eastern Kentucky called to express his opposition to this bill.

My staff began asking questions about the size of his business and the company leave policy. While this employer has a paid vacation policy, he has no sick leave policy, because he just cannot afford it. As it turns out, he has only 30 employees. So he will not be covered by this bill. As with most businesses, he has plans and hopes to expand.

When my staff explained the changes made in the Bond-Ford-Coats compromise, particularly the key employee exemption, the notice provisions, and the estimated annual cost of only $5.30 per employee, he softened. My staff explained that this bill was not really a mandated benefits bill but a job protection bill designed to help working families, to which he commented that his firm was employee oriented. He is all for job protection and really did not have all that much problem with our bill.

This is the attitude I have found, Mr. President, all over Main Street Kentucky. While Washington lobbyists and national groups may oppose this bill, they are having to work overtime to misrepresent what this compromise to the bill does in order to gin up opposition. The fact is that most businessmen and women have families and family emergencies, and they do not need the Small Business Administration study to tell them that it is always less expensive to accommodate the needs than to replace the worker.

So, Mr. President, let us put the rhetoric aside; let us see this bill for what it really is and not as those inside the beltway wish it to be. Let us do the right thing for the American families. It is time that this body puts the American families first.

I yield the floor.

The PRESIDING OFFICER. (Mr. KOHL). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, today, to get down to the issue at hand, I want to compliment Senator DODD for his efforts in trying to resolve these problems of family and medical leave. These are problems that I do not think are unresolvable. The fact is I think everybody here would like to encourage business and everybody else in our society to provide for some form of leave. The real difference is that the Dodd bill, even as amended by the Bond amendment, is a mandatory bill; it is a bill mandating on the back of business people in this country—especially businesses of a certain size—that they have to do this while leaving everybody else out of the picture.

I mean it is a nice ploy but it really does not cover the problem the way it should.

I compliment Senator DODD for his leadership in trying to do something here. I believe that all businesses ought to voluntarily provide for parental leave and medical leave. It is the mandate that the President objects to, and rightly so. It mandates that we select for the individual employers—or employers and employees—we select for them the fringe benefit they are going to bet in this case. And when you select one fringe benefit, that means you exclude others, because there are only so much money out there that can be spent for these matters.

Frankly, the mandate is what really has put a lot of countries into the problem. The problem is that these countries have been so socialized, have mandate after mandate, that it is easy to create mandates and it is very difficult to stop them from crippling them once you start.

The President's point is that if we mandate parental leave, why not mandate a hundred other things that are also wonderful things if you can do them. The answer to it is we should not mandate. We ought to encourage, but we should not mandate.

Mr. President, my good friend and colleague, Senator DODD, is quite fond of quoting that famous philosopher, Yogi Berra, who once observed, "its like deja vu all over again."

Never has that quote been more appropriate than today as we begin consideration of S. 5, the Family and Medical Leave Act. Because, to be frank, despite the sales pitch we are going to be given about a bipartisan compromise, we are still being offered an unprecedented, inflexible, Government mandated employee benefit which will strangle personal freedom of choice. It is a radical change in law despite a few minor adjustments.

As a man not given to taking wooden nickles, President bush turned down the deal flatly.

That should be no surprise. As I said, neither the substance, nor the political landscape, has changed since last year when the same mandated benefit was promptly returned without President Bush's signature. And, this year, like last year, and the year before, President Bush has asked us to consider three simple questions:

First, do we really believe this bill is going to help the United States compete in the global marketplace?

Second, do we really believe that enactment of this bill will help in achieving full economic recovery rather than impede this recovery?

Third, is this unprecedented insertion of a government mandate over personal choice really worth the benefit which we are being told offsets this invasion of freedom?

These are very fundamental questions that I believe the citizens of the United States would expect us to ask about any legislation we consider. They are important questions with implications that stretch far into our domestic and international economic base. They are not questions that we should take lightly.

President Bush would not veto any legislation without having extended it this high degree of inquiry and analysis, particularly legislation that purported to help families. But, on the basis of that well researched investigation of the pros and cons, our Nation's best economic minds have concluded that the likely benefits of this Government mandated benefit simply do not outweigh the intrusive nature of this invasion of personal freedom by the Federal Government. The benefits simply do not offset the very real danger to our economic recovery and to our ability to compete internationally that this bill will cause.

In other words, President Bush and his advisors have uniformly answered each of the three questions I posed with a resounding no.

No, this bill will not help us compete with our global rivals.

No, this bill will not help us in our Nation's efforts to fully recover economically.

No, this bill does not provide more personal freedom and flexibility.

It takes it away. And it imposes the Federal Government on business in this society in a way that will not get the job done anyway.

But, while it is the same old business here, a lot of other things certainly have changed in the world since we last

entertained the idea of mandating employee benefits in the United States.

For instance, just a few weeks ago, on September 15, 1991, the Swedish electorate soundly rejected the idea of a centrally planned government which mandates inflexible benefits exactly like this one.

In doing so, Mr. President, Sweden has now joined the wave of popular opposition to central government control and one-size-fits-all mandates, in favor of a smaller, less intrusive government role. The expectations of the people of Sweden are lower taxes, and trimmed back, more realistic social programs.

The people of Sweden, by virtue of the so-called model mandated benefits which had been shoved upon them by their government, had produced a nation wherein an astounding 57.7 percent of the country's gross national product was government spending. And it is precisely mandates like this that caused that to occur.

That was yesterday for the people of Sweden. They have now said, no more. They have said, take back the mandated benefits—we don't want them at this price.

As I recall, just last year, the Senator from Connecticut was contrasting the United States system to Sweden's, trying to convince us that we were somehow missing something.

"The United States is the only industrialized nation other than South Africa that does not have these government mandated benefits," the Senator from Connecticut repeated over and over again.

Is this not just a bit ironic? As the rest of the world moves toward freedom and individual choice, as the rest of the world rejects their experiments with paternalistic human resources policies, here we are in the United States trying to model our economic system after theirs.

Reporting the downfall of Sweden's Social Democrats, the Washington Post said the people of Sweden did not want—I quote "a suffocating welfare state that costs too much and exerts too much influence over their lives." They rejected mandated government benefits.

Now, true, this is only one mandated Government benefit, but it is one of many that are already on the books and one of many that are going to come if this one passes and if it is not soundly rejected by the President, and vetoed, and sustained.

Why? Swedes, it is reported, died while waiting for bypass surgery as access to vital health care services became increasingly difficult in Sweden's model system. Swedes paid several dollars for bread. Swedish children cannot get into day-care centers. And, Swedish industry has become an oxymoron, as most investment by the private sector is in other countries, not their own.

This is a model system for the United States?

If there is one lesson to learn, Mr. President, from the unrest we have seen in the world over the past few years, it is that our interest in the family simply cannot be separated from our interest in a strong, vital economy. One without the other is deficient.

It is a strong, vital, economy that delivers the jobs to families and keeps food on their tables. It is a strong, vital, economy that produces an astounding array of goods and services in this Nation—goods and services of such diversity, and abundance, that we are the envy of the world, not vice versa.

The Government cannot mandate this kind of economic situation, Mr. President. Just go ask the Swedes. Just go ask the proud citizens of Poland about government mandates for what they think is good for the family.

Just how could the balance between family and a strong economy have been missed by so great a distance as to make small businesses, the backbones of our Nation, so vigorously opposed to this measure.

We do not have to look too far for an answer, Mr. President. Because, President Bush, in straightforward, unambiguous language, told us why in his veto message last year.

President Bush explained that, by focusing exclusively upon a rigid, one-size-fits-all federally mandated benefit, the economic end of the scale is empty. And, that obviously cannot create balance.

Here is how he explained it: While—

I am returning (this bill) without my approval. * * * I want to emphasize my belief that time off for a child's birth or adoption or for family illness is an important benefit for employers to offer employees. I strongly object, however, to the Federal Government mandating leave policies for America's employers and work force. This bill would do just that.

America faces its stiffest economic competition in history. If our Nation's employers are to succeed in an increasingly complex and competitive global marketplace, they must have the flexibility to meet both this challenge and the needs of their employees. We must ensure that Federal policies do not stifle the creation of new jobs, nor result in the elimination of existing jobs. The Administration is committed to policies that create jobs throughout the economy—serving the most fundamental needs of working families.

The strong American labor market of the past decade is a sign of how effectively our current labor policies work. Between 1980 and 1989, the United States created 18 million new jobs. In contrast, within European countries, where mandated benefits are more extensive and labor markets less flexible, job growth has been weak. Between 1980 and 1989, all of Europe generated only 5 million new jobs. As a nation, we must continue the policies that have been so effective in fostering the creation of jobs throughout our economy. (This bill) is fundamentally at odds with this crucial objective.

The President continues:

(This bill) ignores the realities of today's work place and the diverse needs of workers. Some employees may believe that shorter paid leave is more important than the lengthy, unpaid leave mandated by this legislation. Caring for a sick friend, aunt, or brother might be as critical to one employee as caring for a child to another. In other cases, some employees may prefer increased health insurance or pension coverage rather than unpaid family and medical leave.

Choosing among these options traditionally has been within the purview of employer-employee negotiation or the collective bargaining process. By substituting a "one-size-fits-all" Government mandate for innovative individual agreements, this bill ignores the different family needs and preferences of employees and unduly limits the role of labor-management negotiations.

We must also recognize that mandated benefits may limit the ability of some employers to provide other benefits of importance to their employees. Over the past few years, we have seen a dramatic increase in the number of employers who are offering child care assistance, pregnancy leave, parental leave, flexible scheduling, and cafeteria benefits. The number of innovative benefit plans will continue to grow as employers endeavor to attract and keep skilled workers. Mandated benefits raise the risk of stifling the development of such innovative benefit plans.

The President closes:

My Administration is strongly committed to policies that recognize that the relationship between work and family must be complementary, and not one that involves conflict. If these policies are to meet the diverse needs of our nation, they must be carefully, flexibly, and sensitively crafted at the work places by employers and employees, and not through Government mandates imposed by legislation such as (this).

Mr. President, clearly, no one wants to help American families more than President Bush. We all want to help families who want, and need, more time for essential functions.

But, in plain truth, the issue is one of method, not motive. No Republican Member I know, and not one employer I have ever spoken to, disagrees with the purpose—but, they strongly object to the mandate. They strongly object to the Federal intrusion.

I know the Senator from Connecticut never wanted this to turn into such an embittered stalemate between the businesses who oppose this bill and the interest groups who support it. That should not have happened. That is tragic, because both management and labor have families. They are the same in this regard. And, they need to work with each other, rather than against each other, if family life in this country is ever going to work its way out of this recession and into a competitive position internationally.

Method, not motive, drives this debate. Design, not purpose, has created the barriers between us.

But, our disagreement over method and design is fundamental. It is an issue about the role of Government—whether the United States Congress is going to offer families in the United States the type of help that the Social Democrats in Sweden offered; or,

whether we will offer the type of help that provides personal choice and individual flexibility.

Unfortunately, the President will veto this bill. That veto will be sustained. The bottom line is, sadly, that all of the efforts of the Senator from Connecticut and the Senator from Missouri will go down the drain because the structure of their bill is a mandate requiring employers to give workers something they have not earned.

It costs nothing to give back something that has already been earned, Mr. President. The economic turmoil begins at the point when we in Congress mandate that employers provide benefits not earned. And, that is when the three general principles I mentioned earlier come into play.

Let me repeat these three principles so we can all use them as benchmarks for evaluating the acceptability of the legislation we are being asked to support.

First, do the facts reveal that the implementation of this mandate for unearned benefits would weaken our Nation's competitive posture in the global marketplace?

Second, as the United States struggles to fully regain domestic economic strength and vitality, should we entertain a mandate that business provide unearned benefits?

Third, the days when we in the Congress mandate unnecessary, inflexible, rigid Federal standards which choke off individual choice—benefits—should be long, long over. Congress has never mandated that employers pay benefits that have not been earned. Should we begin at this critical moment in our economy's transition into recovery to require a rigid, inflexible benefit that some Americans may not even want? And many will not even want this, although there are some who will.

Let me share with my colleagues how a recent article by Claudia Winkler, in the Washington Times, answered this question. Looking at what had happened in Sweden, she concluded, "an overreaching welfare state is extraordinarily hard to prune back. Americans should go no further toward creating one here."

That is what this debate is all about. Do we want to take this step toward creating an America modeled after Sweden and other nations which use Government-mandated benefits as the centerpiece of their social policy?

The New York Times ran an article dated September 26, 1991, in which the following rationale for supporting this bill was offered:

> The Dodd-Bond bill is cautious; its cost will likely be measured in the hundreds of millions of dollars. Meanwhile, the bill sends an important signal about how society values families and children. These gains are worth grabbing.

In another Washington Times article on September 26, 1991, this was said about the Dodd-Bond bill:

> The Dodd-Bond bill benefits mostly upper-class couples who can afford to take unpaid leave, penalizing those who earn less money and have to return to work as early as they can and get fewer benefits.

The article, by nationally syndicated columnist Suzanne Fields, concludes:

> More than half of the businesses surveyed by Gallup for the National Federation of Independent Business say that they will finance the imposed leave with cuts in insurance and vacation benefits provided to other employees.

The Senator from Connecticut has said he has been offered no evidence that any business has ever scaled back on another benefit to pay for mandated leave. More than half of the small businesses in the Nation say they would do exactly that.

And, that raises the question of whether individuals may prefer the benefits that may be taken away over the Government mandates that will trigger the tradeoff.

First, plain common sense suggests that personal choice is limited by the imposition of a one-size-fits-all Government mandate. The vast majority of working families want the flexibility to choose for themselves what is best for their families. For instance:

A recent poll by the Gallup organization reveals that 99 percent of all the employees in the United States, 99 percent, when asked in straightforward terms what their most valuable benefits would be, chose fringe benefit areas other than family leave or personal medical leave.

Thus, only 1 percent of all working family members surveyed in this Nation said they would value the leave benefits provided under S. 5 above all their personally applicable benefits for their families.

Evidence also strongly suggests that employees vastly prefer to control their own futures. Working family members want, and demand, the ability to choose their own benefits packages—by this I mean benefits relevant to their own unique circumstances and lifestyles. Exemplifying this demand is:

A 1991 study by the Penn-Schoen organization found that 89 percent of all adults polled in the United States prefer to have employee benefits freely negotiated between themselves and their employers and not imposed by Federal mandate.

In another recent study conducted by the American Enterprise Institute, data revealed that a majority of Americans believed that the Government should not mandate that employers provide benefits such as family and medical leave.

This study found that only 31 percent, less than one-third of those questioned, believed that granting unpaid leave was something that a company should be forced to do.

Now, other surveys strongly evidence the belief of working parents that they need flexibility to spend more than 12 weeks with their children following birth—that any help the Congress provides in this area ought to extend an option to spend more than 12 weeks.

This very strong desire is evidenced through the most recent Census Bureau data that reveal that 67.1 percent of all mothers remain at home with a newborn after the first 12 weeks have passed.

In fact, almost 50 percent of new mothers, according to this Census Bureau data, do not work for pay at all during the first year of their newborn's life. Half—a full half—of all new mothers decide not to work during the first year.

Census Bureau data also reveal that almost 50 percent of all working mothers who do return to work after just 12 weeks following the birth of a child, and before the expiration of 1 year thereafter, choose, freely choose, part-time working arrangements rather than full-time working arrangements.

And, even more astounding, the evidence unequivocally suggests that fully half of the women who left work for the birth of a baby expressed the desire to remain at home for the first 2 or 3 years of their child's life.

And, a full 39 percent expressed a desire to remain with their new child until he or she started school at age 6.

Maybe the Census Bureau got it all wrong. But, when one adds it all up, it appears to me that these facts paint a rather clear picture of the utility of the Dodd-Bond bill as it stacks up against the desires and needs of working parents.

Now other strong evidence finds no compelling need, at all, for S. 5. For instance:

A 1985 Harris poll found that a full 73 percent of U.S. employees believed that their employer already made adequate provision for both emergency and regular needs of working parents. When specifically asked if they were happy with the arrangements made, nearly three-quarters of all working Americans were quite content. Think about that.

In fact, a recent survey by the U.S. Chamber of Commerce found that 99 percent of the 6,367 companies questioned voluntarily—they did not need a mandate to do it—they voluntarily provided some type of paid fringe benefits to assist working families such as hospital coverage, profit sharing, dental plans, and/or family leave.

What is more, a recent Conference Board Study, released just a few weeks ago, found that nearly two-thirds of the companies that participated said that they had expanded work-family programs in their workplaces during the past year.

These respondents cited alternative work arrangements such as part-time, job sharing, telecommuting, and compressed workweeks as arrangements

which have been put in place to facilitate a better balance between work and family.

In all, 9 of 10 companies provided benefits far beyond those legally required, and 8 of 10 provided such benefits in the form of cafeteria plans under which employees could freely choose the types of benefits most appropriate for their individual circumstances.

I believe this argues for flexibility and the ability to choose. What working families really want, and what in practice has been happening in this area, are things the Congress simply cannot address with a mandate of 12 weeks leave, chosen to the exclusion of all other fringe benefits. These data clearly suggest that this was the question put to the people and that their answer was "No." They want flexibility to work out solutions, not one-size-fits-all mandates that will actually limit the boss' options for accommodating our needs.

Other evidence strongly suggests that given a choice, employees prefer to have greater choice in deciding the types of benefits they receive over more benefits, per se. In other words, quality, not quantity, is what people are telling us they want.

A 1986 study by the Opinion Research Corp. found that 70 percent of those employees questioned said that they would pay more out of pocket for the opportunity to configure benefits to better meet their own personal needs rather than have these choices made by an employer.

So if we listen to what the people are saying, what they clearly want is flexibility to choose among competing fringe benefit programs and not have mandated what they have to take.

Regardless of the well-intended motivations of Members of the U.S. Senate, they are clearly telling us thanks, but no thanks; we do not want it. They do not want the Congress to make these choices for them. Moreover, not only does the data prove that most employers are already responding to these needs, but also 73 percent of working Americans asked in a Harris poll said strongly that they believe their employer already made adequate provision for both emergency and regular needs of parents.

Mr. President, if this suggests anything, it is that the voices that we have been listening to in Congress represent a small minority of Americans. If there is any doubt about this, consider another recent survey which indicates that as many as 90 percent of all Americans have absolutely no idea that the Congress is considering this bill today.

From this small minority of advocates, the proponents have gathered some impressive anecdotal evidence, and this type of evidence is very helpful in sensitizing legislators to the types of problems faced by some families. Indeed, I sympathize with these citizens and sincerely regret that they have experienced so much difficulty. There are anecdotes and there are cases where things are not good, but does that justify mandating a Federal program on top of all the other mandates we have and emphasizing that there will be a lot more if this one passes?

It seems that these views really are out of step with the majority. But assuming we all have the desire to help balance the family work of the minority of Americans who are petitioning us to do so, the question is whether we must resort to a policy that is in such obvious conflict with everyone else. Let me share some of the evidence that relates to the discriminatory impact of S. 5.

What we mean by discriminatory impact is that different classes in this country benefit in varying degrees and that many will receive no benefit at all from this type of mandate. For instance, because of an exclusion based on business size, almost half of the working family members of the United States are not even eligible for mandated benefits under this bill. Almost half will not even be affected, will not receive these benefits, and yet we are mandating them throughout the society.

In fact, data finds that 95 percent of the businesses operating in the United States have 50 employees or fewer. This is the cutoff. Ninety-five percent.

Companies employing 50 or fewer workers provide jobs to almost half of the total U.S. employment picture. They are not covered by this. The reason they are not is because of the expenses, because they could not get it passed if they tried to, because everybody knows this is going to be a costly thing to society, and everybody knows we are going to be choosing the fringe benefits by the almighty wisdom of us in Congress, all 535 of us. We will be choosing the benefits for half of the 120 million employees in this country and excluding the other half.

Thus, it takes no mathematical genius to conclude that based on the facts, almost half of the working family members in America will receive no benefit at all from S. 5. Data from the Small Business Administration indicates that small businesses, those that would be exempt under this proposal, are where a disproportionate number of women and minorities work in this country. Thus, those individuals who really probably need these benefits the most, and those we think would be more inclined to use family leave benefits as well, are those the least served under S. 5.

I am not presenting this evidence so it will cover 100 percent. We cannot do that. If we did that, everybody would understand what a crummy piece of legislation this is, though well-intentioned.

On page 34 of the State of the Small Business: A Report to the President, a report that was transmitted to the Congress, it states: "Women are more likely to be employed in small business." So who is going to be hurt by this the most? Women. And generally single heads of households, and that is two-thirds of the women's work force in America, by the way. They are either single heads of household with children at home or they are married to husbands who earn less than $15,000 a year. We found that out in the childcare debate.

It seems, obviously, since small businesses with fewer than 15 employees are exempt and small businesses hire a disproportionate number of women, that S. 5 has missed the mark. It has missed its mark, that is for sure and it is discriminatory. This legislation is not covering those individuals the bill's sponsors say it is supposed to help. Again, we are going to be covering those businesses with 15 employees or better—they generally pay more and give more—while the others, the people who really need it, are left out. The reason they are is because they could not pass the bill if they put them in.

Moreover, those excluded by S. 5 are hit by both barrels of this discrimination shotgun, and this is why: Mandated benefits are not free. As much as they tell you that it is only going to cost $5.30 per employee per year, if you believe that, then, to borrow a quote from Senator KENNEDY, I have a bridge in Brooklyn I would like to sell to you.

Mandated benefits are not free. If they were, we would give anyone an unlimited amount of time off for any reason and not be concerned for the impact on the economy. Why should we give an unlimited amount of time off? Why should we not give them 6 years for those children? It makes sense to me if that is what we are trying to do. If we are trying to help families, why do we not help them the right way?

The reason we cannot is because it is expensive doing what they are doing here and it is discriminatory favoring some in our society against everyone else.

Economics 101 provides some real world insight about the impact of mandating new benefits. It teaches that faced with higher costs of production, an employer will cut back other costs and raise prices to compensate. It is a very simple balancing equation. If an employer raises the price of a cheeseburger by a dime, all consumers have to pay that extra dime or go without. It would be impossible for the Federal Government to mandate that only employees eligible for family leave benefits have to pay the extra dime.

So while we will all pay more due to these price increases by virtue of the broad exemption in S. 5, only about

half who pay this extra dime will receive any benefit at all. Not only will we turn our backs on those who will most likely need this benefit, but we will also force them to pay so that others much less in need can enjoy these benefits at their expense.

Is it any wonder some commentators are calling S. 5 a yuppie bill? In fact, I am proud to tell Senator DODD I am sure he is going to be the champion of the yuppies in this country once this bill passes. What a wonderful time. He will deserve it, and I will be the first to be there to compliment him on his new title.

Mr. DODD. If my colleague will yield on that point, I appreciate that. But if this is a yuppie bill to provide 6 years of unpaid leave, the only people I can possibly think of who might enjoy that benefit would be the Fortune 500.

Mr. HATCH. As a matter of fact, if you get 6 years of unpaid leave, which my approach would provide without mandating on the backs of the employers and without any costs but recognizing the needs for mothers to be home, I think it is more family-oriented than anything we are doing here today.

Mr. DODD. If my colleague will yield further, to make one point here, I commend my colleague for proposing that piece of legislation. But in fairness to it, to provide 6 years of unpaid leave, I do not know anybody in America, I do not know a single person, even a top paid chief executive officer, who could possibly take advantage of 6 years out of the job without being paid.

Mr. HATCH. They do not have to under my approach. They can take up to 6 years if they want to, which gives them the full flexibility, and take up to a week or 6 years, whichever is better. One thing is for sure, it is not a mandate and applies to everybody equally.

I think it makes sense rather than 12 weeks which does not make sense where there are a lot of costs involved. As I understand it, those costs the Senator claims are only $5.30 per person per year, is that correct? Could I ask the Senator that?

Mr. DODD. I would be delighted to answer. The General Accounting Office, which did the analysis of this says $5.30, a little less than 2 cents a day.

Mr. HATCH. The Senator seems confident in that figure?

Mr. DODD. That is the health insurance that gets carried as opposed to my distinguished colleague from Utah who does not provide for those in 6 years, so there would be no insurance for people. What we do not calculate here, if someone is to take on a new hire, the estimates are that it is far more costly. According to surveys done in the business community—the Small Business Administration, under the Bush administration, did a survey—they claim it would be far more costly for a business to take a new hire than to give someone a few weeks of leave and bring them back or have a temporary come in. So the cost is $5.30 per covered worker per year. We do not know but we can only assume that number would actually be reduced because of the cost savings of not going out and having a new hire.

Mr. HATCH. I am going to try to finish. I notice there are other colleagues who want to speak. I notice the distinguished Senator from Indiana has been here for quite a while.

I have to say that some commentators are calling S. 5 a yuppie bill because individuals currently working in larger businesses receive more while individuals working in smaller businesses receive less, or will certainly be likely to receive fewer benefits in the first place, or no benefits at all. At the same time, all of these individuals pay the extra dime, to use my illustration, for the cheeseburger to pay for those benefits.

Let us look at another economic possibility. The economic alternative to raising prices is to cut costs. Commonly used means of cutting costs are layoffs, hiring freezes, reduction in hours, or even the dismissal of employees.

Who are the most likely workers to suffer these cutbacks?

Another example of Economics 101 at play in the workplace is that the least productive workers or workers with the least seniority are the first to go. So if we review the evidence about which groups have the least seniority and which seem to possess the fewest skills, again it is women and minority workers because they are most often the newest entrants to the labor force.

Let me address evidence of another nature. That is the evidence that this legislation will force a benefits tradeoff for all employees, not just those taking advantage of leave.

To illustrate, let us talk about an employment situation we can all relate to, the Senate. Each Member of the Senate has a budget to hire staff. Obviously, as much as we may want to, we cannot provide pay and benefits which exceed available funds, although I have noticed in the House they have been able to bounce some checks over there with their own special fund. For any employer, including the Senate, there is a limit.

The employers I have worked with refer to the benefits aspect of this equation as the benefits pie. And like any pie there are only so many slices to be taken before it is all gone, before all the benefits budget dries up.

An elderly worker who may want additional retirement benefits may lose the opportunity to gain this piece of the pie because we in Congress are mandating family leave benefits.

Single workers who may want more vacation time may lose that option. Workers with teens who may have more interest in profit sharing for college expenses may lose those important options. You could go on and on under different options and different fringe benefits people would want and who will be foreclosed to a degree because of the mandate we are requiring in this bill.

That is precisely why working Americans are telling us that they want choice and flexibility with regard to employer fringe benefits. Without this choice, without this flexibility, we cut off the options of the many to satisfy the needs of the few.

For example, a study prepared by an interest group strongly advocating passage of S. 5 asserts that the costs of S. 5 will not be as great as some employers contend because instead of hiring new workers to perform the jobs of people on leave, those employers will just disburse the work among other employees.

Well, does not common sense dictate that an increase of hours worked by one employee who must remain on the job deprives him or her of time with his or her family? Is this not a discriminatory impact against some so that others can benefit? Someone who cannot afford to take unpaid leave must work longer hours so those who can afford unpaid leave can remain at home with their children.

But, if that is not enough, let us address a more dismal discriminatory impact of this legislation. This is the suggestion that S. 5 may lead to discrimination against younger women of childbearing age that employers will want to avoid hiring if possible.

A recent survey conducted by the Gallup organization found that if Congress passes this bill, 40 percent of the employers said they would be less likely to hire young women. Economically, that is a fact of life. It is discriminatory against young women.

Mr. President, when we put all of this evidence together, I think a few questions are in order. First, if the vast majority of Americans want freedom of choice and flexibility in choosing workplace benefits, why are we entertaining such an inflexible approach as the one contained in S. 5?

The answer is because we as compassionate legislators desire to address the needs of those who need help balancing work and family.

Now, that is fine and good. We all agree with that. But why have we crafted a bill which so strongly discriminates against those who cannot afford unpaid leave so that those who can afford to do it can be given this advantage?

Who are those who cannot afford unpaid leave? A recent study by the senior Republican economist on the Joint Economic Committee told us clearly who could not afford this type of leave. This report says, "Saving rates are lowest among poorest families." I do not think anybody would disagree with that.

Does it take a Ph.D. economist to figure out who will take this leave under S. 5? It is certainly not going to be the poor.

Some have been content to vote for this legislation without having been made aware of that particular fact. But let us face it, a family with no savings cannot seriously consider a quarter-year leave without pay. Conversely, well-to-do families with a sizable nest egg can afford to and will take the time off. You can count on it.

So, Mr. President, I believe this brings me back to the Point where I started. Helping American families is really not the issue here because a high percentage of them already are helped in the sense of businesses what are voluntarily doing this. The others are not. But we could come up with a way of helping them I think without making it mandated. The issue here is whether the United States should enact an unprecedented mandated employee benefit that will not help American workers across the board and in fact will discriminate against about half of the American workers, most of whom will be young women and the poor and minorities. And by the way, the benefits will go primarily to those who probably could afford to do it anyway.

Desire to facilitate a better balance between work and family, it seems to me, is not at issue. But whether this mandated employee benefit is going to help or hinder the United States in efforts to compete in global competition is at issue. That could take away jobs from everybody if we do not do what is right.

Whether or not this is the right time to be enacting Government-mandated benefits when our economy is at a critical stage and turning the corner to full recovery is at issue.

At the beginning of this statement, Mr. President, I said we should never forget that the interests of the American family and the interests of a sound and vital economy should never be viewed as separate.

The purpose of our being here today is supposed to be a facilitation of balance between work and family. So, in closing, I just want to repeat three simple questions and ask that each Senator answer these questions before casting his or her vote.

One, will this particular bill lead America down the road to full economic recovery or will it stall our efforts? I think it is pretty hard to make the case it will help us down the road to economic recovery.

No. 2, will this bill enhance our ability to compete internationally or will it further erode our competitive posture? Keep in mind a lot of countries in the rest of the world that have been under the aegis of Government mandates have been struggling to get them off, to be free like us so they can have the free competitive posture that we do so they can compete, and here we are putting them on at the very same time they are trying to get them off.

Three, would free Americans chose the Government mandate if they were given another choice which extended them the flexibility to meet their own unique family needs? I think it goes without saying that the answer to that is no.

If any of these questions can be answered in the negative, I think we have to wonder if this is the right way to achieve balance between work and family in American life.

I was pleased to have worked with the Senator from Connecticut on the landmark child-care legislation, and he certainly did a great job there. I was very proud to be with him.

I know how sincere he is here. So I do not particularly want any of my remarks to be considered hypercritical of him. His intentions are wholly honorable, good, and I appreciate them and respect them. I can only say I am sorry that he is not on the right side of this issue at this time. Economic-wise he certainly is not. I know from this and other experiences on the Labor Committee, Senator DODD can be very persuasive and is. He has done a remarkable job promoting this bill. If it passes and becomes law, he deserves all the credit. I will not add the latter part on this. But he has done a remarkable job promoting this bill.

I congratulate him for his success to this point. But I beg to differ with him on the merits on the Family and Medical Leave Act even in its slightly revised form. It is only slightly revised by the current amendment, and the amendment offered by my good friend and colleague from St. Louis who himself is trying to resolve this problem in a credible and good way. I wish that other concepts could have been given the same level of attention as we have been giving to this.

I simply reiterate the fact that we are all motivated trying to do what is right for the family. We only differ with the approach. It is the mandate of one-size-fits-all approach that is incorporated in S. 5 that I believe is inconsistent with our Nation's overall economic gains—most importantly, inconsistent with the desires and the needs of America's families.

So I appreciate being able to say these words. I felt like they needed to be said because it at least lays out the groundwork in some of the differences that we have on this bill, and I suggest that all Senators really think this thing over before voting for S. 5; that regardless of what happens, the President is going to veto, and I hope that veto will be sustained.

I hope we will put forth the greater effort trying to find real flexible fringe benefits that will benefit the American people, not just 50 percent of them but all of them.

Thank you. I yield the floor.

Mr. PACKWOOD. Mr. President, I rise today along with Senator DODD, Senator BOND, Senator FORD, and numerous other cosponsors, both Republican and Democrat, in strong support of the Family and Medical Leave Act. I am a longtime advocate of this legislation and today my enthusiasm is even greater because of the growing bipartisan support this bill is receiving. I want to thank Senator BOND and Senator DODD for their hard work to tailor a compromise bill to respond to the concerns of the business community.

My State of Oregon is an excellent example of the success of family and medical leave laws. In 1988, Oregon enacted legislation to allow 12 weeks of parental leave for parents of newborns and seriously ill children. At the time, a great deal of opposition and concern was heard from those who feared it would cost too much, be difficult to implement, and that employers would be forced to cut back other benefits to employees. I am happy to say that experience has proved these claims meritless.

Oregon was so pleased with the benefits of the original legislation that this year it expanded the law to add leave for serious medical conditions. Oregon's new law is one of the Nation's most comprehensive family and medical leave plans.

A report entitled "Beyond the Parental Leave Debate: The Impact of Laws in Four States" was issued on May 22, 1991, by the nonprofit Families and Work Institute. The study featured Oregon and three other States which already have family leave laws. The vast majority of employers in those States reported that they had no problems with those laws—91 percent said that the laws' requirements were not difficult to implement. In fact, 42 percent of Oregon employers said it was actually extremely easy to implement.

The vast majority of employers in all four States surveyed also reported no significant increase in costs.

For example: 81 percent reported no increase in unemployment insurance costs; 71 percent reported no increase in training costs; 55 percent reported no increase in administrative costs; and 73 percent reported no change in health insurance costs.

There may be skeptics among my colleagues who will say, just because a few States have a good experience with family leave, why should I want it for my State? The best answer I can give you is that the Family and Medical Leave Act is profamily. Whatever side of the political spectrum you may be on, profamily legislation benefits your constituents. This bill allows parents to spend the first few critical weeks of their child's life with the child. It also allows a worker whose child, parent, spouse or who himself is critically ill, to take the necessary time for recovery

at home. Having the opportunity to deal with a crisis without fear of job loss strengthens families and keeps them together.

The Family and Medical Leave Act has diverse support, including most major women's organizations, church groups including the Catholic Conference, and both conservative and liberal Members of Congress. That is because it is truly profamily: It helps working parents, gives pregnant women more options, and allows families to take care of their own.

I would like to address some of the concerns about the cost of this legislation. From a fiscal standpoint, it is win/win. The taxpayers win, and business wins. Let me explain. When a worker loses a job due to a family crisis, they experience a loss in earnings that is passed on to the taxpayer. Workers who cannot return to their jobs often must resort to receiving assistance from welfare or unemployment. In its 1989 cost estimate of the Family and Medical Leave Act, the General Accounting Office estimated that the cost to the public of not having family and medical leave amounts to about $8 billion annually.

Business wins, too. A study commissioned by the Small Business Administration found that the cost of permanently replacing an employee is significantly greater than that of granting family or medical leave—demonstrating that the Family and Medical Leave Act may actually reduce costs to business.

The Family and Medical Leave Act deserves your support for all these reasons. I urge you to vote for it.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield 15 minutes to the distinguished cosponsor of this amendment, the Senator from Indiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I thank my friend from Missouri for yielding the time. I also thank him for his very serious and effective efforts in addressing some concerns that he and I and others have had relative to the original bill that was introduced.

I think this substitute that we are debating here this morning and which we will be voting on this afternoon addresses those concerns. I am proud to be a cosponsor of that substitute.

I have invested a great deal of time and energy and effort into the question of how we, as a Federal Government, can best respond to the very real, very legitimate needs of our children, youth, and families.

As a Member of the House of Representatives, I served for a number of years as ranking member on the Children, Youth and Families Select Committee and then, upon coming to the Senate, asked for and was privileged to receive ranking position on the Senate equivalent committee, although it is a standing committee in the Senate, on children, family, drugs, and alcohol.

My work on both of those committees and over the past decade or so, and listening to literally hundreds of experts come and testify, visiting sites throughout the country, talking with people who have been interested and invested their time and career into the whole question of the American family, has led to one inescapable conclusion. That conclusion is that the breakdown of the family is the root cause of many, if not most, of the social ills experienced by today's youth and by our families.

We have attempted at the Federal level to address those problems, whether they be substance abuse, child abuse, poverty, problems of housing, education, teen pregnancy, on and on the list goes. We have attempted to address those with now more than 100 Federal programs; 390 separate line-items of expenditures providing billions of dollars of support for our children and families designed to address the problems that they face.

All of those programs address what I would describe as the symptoms of a deeper root cause of the problem or a deeper disease, and many, many experts will tell you—there seems to be a consensus growing among various schools of thought, different points of the political perspective and spectrum—that the family is the root cause of the problem; that dysfunctional families lead to dysfunctional children; that functional families can be the best preventive medicine that money can buy or that society can support.

As a result of this conclusion, I have attempted to address a number of my efforts toward ways of strengthening the American family: That led to my introduction and involvement in the House in the effort back in 1984–85 of doubling the personal exemption which was tragically and shamefully out of proportion to the contributions of the family to this society, which had slipped from its original level in 1948 of $600 per taxpayer and spouse and dependent and increased to $1,000, but measured by any index of inflation was way behind where it should have been.

Thankfully, that legislation was passed in the 1986 Tax Reform Act through introducing a redoubling of that in the Senate. And that is a bill which at some point I hope we can debate, talk about, and enact into law with the American Family Act which is 20 or more separate initiatives all designed to strengthen the family.

I recognize we simply cannot come to Washington, write a law, and mandate strong families; that much of what is taking place in the family in today's society and much of what needs to take place in order to strengthen that family has to come completely outside of any type of legislative effort. But we can encourage, we can remove impediments, we can attempt to foster family friendly policies at the Federal, State, and local government levels.

So when the idea of parental leave came along, it was an idea that captured my attention and many of my sympathies, because as a concept, the idea of parents being able to take time to spend with their children, either at birth or at times of critical illness, or spend times with ailing parents or other family members, that is a very critical concept that we ought to be fostering.

So I was sympathetic to it. While I was not a cosponsor, I indicated that I certainly wanted to support the concept and work toward something that I thought we could all embrace.

I announced in the committee when we held hearings on this, and then addresed it, that while I would not be a cosponsor of Senator DODD's original bill because I felt there were some legitimate concerns that ought to be addressed, I would attempt to work with him to address those concerns, and if we could find a substitute or an alternative that addressed those legitimate business concerns, many of which the Senator from Utah has outlined, then I would support the effort.

I believe in this proposal that we have on the floor here before us today. We have addressed those concerns.

The reality, Mr. President, is that while experts recognize that there can be no substitute for the two-parent family, with one wage earner and one spouse staying home—particularly in those critical early years to nurture the development of that child, while that is the desirable model that best offers hopes for development of stable, nurtured, emotionally well-developed children—the reality is in today's society that is becoming increasingly difficult to achieve.

Economic pressures mandate that many women must enter the workplace to supplement the family income. Some do so in pursuit of a career and in pursuit of furthering their own personal goals. And that is fine. But the reality also is that many women do so because that is the only way they can make ends meet.

It is the only way the mortgage can get paid, the way money can be saved for higher education, and shoes can be bought, bills can be paid, clothes can be provided for their children.

The other reality that we deal with is that, tragically, today many children are being raised in single-parent homes, and many fathers who have fathered those children, who are now separated or divorced from that family, are not providing the support. And those women have absolutely no choice, other than welfare or working to provide for their family.

It is inconceivable to me that we should have policies that would bias that decision to welfare and not in support of providing for the family through the workplace. Yet, in doing so, we obviously face situations where that single parent is the sole breadwinner for the family.

In each of those circumstances arises, on occasion, situations in which time is needed to spend with those children. I would like to make the argument—I will attempt to—that that time needs to be—as Dr. Armand Nicolai of Harvard has said—sustained, continuous, personal, close, warm, and a nurturing relationship between both parents and child. Often that is not possible.

While I make no pretense that this legislation before us today is going to provide that sustained, continuous, nurturing relationship, it is definitely a step in the right direction in doing so.

The question comes to us: How do we cope with this current situation, and how do we address, from a policy standpoint, those policies which will encourage a family-friendly workplace, and encourage, particularly during critical times, the ability of either both parents or one parent, or single parent families, to spend that time with their children at critical points?

It is somewhat ironic to me that much of the opposition to this concept comes from the fact that the situation might be one which is ripe for abuse. People say, well, employees are going to use this not to spend time with their children, but to go deer hunting, and not to spend time with a sick child, but to take a vacation to Disneyland. It is going to be abused.

There are a whole number of reasons, I think, why this will not be the case. But because there were legitimate business concerns that were raised about abuse, about the concept of: What about a key employee, who leaves at a critical time in a job that is important to the families and to the welfare of a particular business? What about the idea of someone being provided benefits, never intending to come back to work after their leave time has expired?

What about the impact on small business—those businesses that really do not have enough employees or cannot provide the flexibility to simply give one or more employees the time off, without some flexibility of arranging that time schedule? Those and others were very legitimate concerns raised by business.

It is for that reason that I had suggested to Senator DODD that we work to resolve those. Through the very diligent efforts of my colleague from Missouri, Senator BOND, through the cooperative spirit evidenced by Senator DODD, and through work that my staff and others have put into this, I believe we have come up with a compromise on this bill that addresses those legitimate business concerns.

First of all, everyone needs to understand that any leave time taken is unpaid. No one is mandating that businesses pay for this leave time. So, in my opinion, that removes a great potential for abuse. Very few, if any, employees are simply going to say: I need 10 or 12 weeks, or whatever, with my child; this is a critical time—either birth, adoption, or critical illness—and I need to have this time; I recognize I will not be paid for it, but it is so important to the functioning of our family that I be there now, and I am willing to do this on an unpaid basis.

That, above all other protections, I think, is a protection for business that is irrefutable. The fact that we have recognized that small businesses will be adversely impacted, and therefore exempted, all those businesses of 50 employees or less, which is 95 percent of the employers in this country, certainly addresses those legitimate concerns of small business.

We have raised in the compromise the number of hours to be worked before you are eligible from 1,000 to 1,250. We have allowed a key employee exemption for 10 percent of the employees to address that situation where you might have a supervisor, or a key person that you need, to be able to sit down and be more flexible in the time. We have a provision to recapture health insurance premiums, if the employee does not come back to work. We have redefined serious health conditions to tighten up on that definition, and to make sure that the employee is unable to perform their functions at their position. We have provided for certification by medical doctors with the right of the employer to require a second opinion. We have tightened up the standards for enforcement.

We have put a whole number of procedures in here designed to address the concerns of business. And I think the product that we have before us today, the Bond-Ford-Coats substitute compromise amendment, strikes a very good balance between the very legitimate needs of parents at critical times in the lives of their families, and the very legitimate concerns of business relative to abuse of this process.

Mr. President, I want to spend a few minutes here talking about what some people have said: "Senator COATS, you have a hidden agenda; you are trying to accomplish something here beyond just the mere technicalities of the bill." And they are right; I do have a hidden agenda. I have a hidden agenda because I think it is good policy for this Nation to encourage mothers and fathers to spend more time with their children, without the fear of losing employment, or losing their jobs. That is what this bill tries to do.

I want us to enact policies that cause people to think about the relationship between parent and child, and what a child needs, particularly in those early years, from his or her parents. I want us to think and evaluate legislation in terms of what impact this will have on the family, because we have a raft of irrefutable testimony that the family is the core functioning essential element of this society, the glue which holds our society together, the basis by which values are transmitted. And strengthening families can reap us immense benefits, not only in terms of future costs to society that result from dysfunctional families, but from the benefits society can achieve from emotionally stable, secure, and nurtured children.

So I do have a hidden agenda. I want to promote policies that give families the opportunity to spend more time with their children.

Is 12 weeks a magic number? No, it is not. The magic number is a lifetime. That is the amount of time that parents need to consider spending with their children in order to provide that strength of families that is so imporant to our society. But is 12 weeks a good start? Yes, it is.

I am hoping that, in 12 weeks, mothers and fathers will fall in love with their children. I am hoping that they will understand the importance of a relationship with their child, which will carry much beyond 12 weeks, which will carry into early years in terms of how they prepare themselves for school, how they are going to be there at critical times in their lives, and that it sends this signal: When you are facing a tough time, whether you are 1 month, 12, 18, or 40 years of age, I am going to be there and available. My job is not more important. I now have the ability to say to my employer that this is really important, this is a critical time. It is so important to me that I am willing to forgo my income. But this is a time I have to be there.

Whether it is to be with elderly parents, critically ill children, or newborns, that is something we need to encourage. A lot of people have written about that, a lot of people that I have listened to very carefully, who have invested their lifetime and their careers in nurturing and fostering development between families and children. They have indicated how important it is to provide this option.

Dr. T. Berry Brazelton, who testified before our committee on a number of occasions, makes an interesting point. He also agrees that 12 weeks is not a magic number. Dr. Brazelton talks about the need of a relationship to exist throughout the child's early years. But he has also said this. He said mothers who know that they have to go back to work too soon—that they have to go back to work too soon; most mothers have to work. They know they

have to work. Those that know they have to go back to work too soon after their baby's birth are often afraid to become too attached to the child. They are afraid of breast feeding because the pain of leaving their infant is too great.

This subtle distance between mother and child reduces the parent's ability to parent and the child's ability to develop his potential. When parents learn to nurture the baby, they are bound to learn about the commitment to the baby and to each other.

Dr. Brazelton maintains in order to support families, we as a Nation must protect that period in which the attachment process between parents and baby is solidified and stabilized. Again, is 12 weeks the magic period? No, it is not. We could argue for more. Certainly, 12 weeks is better than the current, 3, 4, or 5 weeks that is the most that any mother can expect.

I think we need to listen when Dr. Brazelton says that mothers who fear that going back to work will interfere with the bond they do not want to break often never try to form that bond in the first place.

Dr. Burton White, a Ph.D. and expert on families, in his book, in the first 3 years of life, stresses that the goal of giving an infant a feeling of being loved and cared for is the single most important goal in getting a child off to a good start in life. Dr. White then goes on to talk about the phases of a child's life, and I wish I had time to develop that. Perhaps some other time we can.

Pennsylvania State University psychologist J. Belsky and many others have written about the extraordinary importance for the human infant to firmly establish a relationship with a caring adult.

The events of that period of life that are the very beginning of life, when a mother looks into a baby's eyes; when a baby for the first time opens his or her eyes and recognizes that there is something special here; when a baby first takes a breast in its mouth and forms that attachment with the mother; the little sounds that take place and the feeling and the touching that takes place, that is a critical time.

To deny a mother that opportunity, or to say to a mother: You have to forfeit that opportunity, even if you are willing to do so without pay, I do not think that that is the kind of policy that we ought to be advocating.

So I am proud to add my name to the very diligent work of my friend from Missouri, my friend from Connecticut, my friend from Kentucky, and others, to try to find that critical balance between family and work, recognizing that unless the workplace is profitable and successful, then we cannot provide economic security for families, but also recognizing that unless that family is strong and has time in which to nurture its development and develop those bonds, that we are not going to have healthy families.

Finding that balance is difficult. I believe we have taken a great step forward in doing that, and I hope that my colleagues will join me in supporting the Bond-Ford-Coats substitute.

I thank my friend from Connecticut for all his dedicated work on this effort, and we literally would not be here on the floor today were it not for his efforts.

Mr. President, I yield back any remaining time I might have.

The PRESIDING OFFICER (Mr. GORE). The Senator from Connecticut.

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. As I understand it, opening statements by any Member here would not be counted against the time on the respective amendments that have been allocated under the unanimous-consent request.

Is that correct?

The PRESIDING OFFICER. The Senator is correct, so long as those amendments are not pending.

Mr. DODD. I thank the Chair.

Mr. President, first of all, let me begin by expressing my gratitude to some people here who are still on the floor before they may have to leave.

First of all, to Senator BOND of Missouri for his willingness to listen to some arguments, about a year ago, and some offers on how we might deal with what Senator COATS has very correctly described as the critical balance question here. And he has been a remarkable ally in all of this in trying to put together a piece of legislation that will deal with that critical balance, because I do not believe anyone here is desirous of trying to deal with a legitimate problem of one segment of our society at the expense of another. There is no value in that.

If we are going to stand up here and offer a proposal that we think will make a difference for children and families and the price at which we do that is to cripple businesses in this country, then what do we gain, in effect? If we cause erosion in jobs, or in any way cause damage to our economy, it seems to me it becomes a wash, and probably at net loss in the process.

Simultaneously, of what value is it to say that we are only going to watch out for the business interests, and disregard what happens to families and children today, who are caught in the critical problems that have been so eloquently described by my colleagues here this morning already, in the awkward, difficult, frustrating choices that we know already are having an impact on these families and on children?

I do not know of anyone here who wants to be in the position of saying: We are sorry; we want to disregard them because of some concerns, legitimate or illegitimate, identified by the so-called business community. Someone ought to be careful, describing the community that they are a monolith or who imagine it as no difference.

Senator COATS, who I referred to as being an invaluable help on the Subcommittee on Families and Children, has been a terrific supporter of these issues that affect children and families. We have had some disagreements, as is the case with people, on how best to approach some questions, on the fundamental, underlying issue of whether or not we ought to be at least thinking hard and listening to the business people.

We can at least allow you to make some difference in the changing environment that so adversely affects people as they try to cope with the difficult burdens of being parents, being good employees, being good workers, being good breadwinners, and being good children themselves, in this particular legislation, because we are trying our best to have families involved so we do not have institutional care, with unknown people watching out over our own parents. If they are caught in a problem where they need some personal attention or love, no doctor, no nurse, however well intentioned, can even remotely come close to providing the care of a parent or a child when they are in that particular critical moment or time in their lives.

Trying to strike that balance, he has been an unfailing ally in that particular effort, and I am deeply, deeply grateful for his support and backing on this legislation.

Of course, Senator FORD, who is also a cosponsor of the Bond-Ford-Coats substitute, has been a tremendous supporter of trying to fashion again language here that would deal with the critical balance that Senator COATS has described.

So, Mr. President, we have come a long way. It has been 5 years since I first introduced this legislation, and in 5 years we have had voice votes on this bill in the past and never had very lengthy debate about family and medical leave legislation. This is the first real opportunity in 5 years to actually have some full debate, and a few hours from now, a vote on this proposition, a proposition, we feel, whose time has come.

We think it does strike the critical balance between the concerns—legitimate concerns—of business in this country, and the demands and needs of families.

Mr. President, it is somewhat ironic, in a way, that those who I think have spent the time on the issue, and I notice the presence of my colleague from Minnesota, as well. I refer to him for his tireless time and effort. He spent, I do not want to say how many hours of his time, talking about this issue and trying to figure out ways in which we

could come up with some good answers here for this particular approach.

But again, I never questioned for a single second his deep commitment to families and children and how best we can do that in a way that will serve their interests. So I thank him.

Mr. DURENBERGER. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. DURENBERGER. Mr. President, I have a comment which I hope is helpful.

First, let me compliment the Senator, because I think I sat with him 5 years ago when he started this process.

Mr. President, I think we all ought to be grateful to our colleague from Connecticut for whatever virtue which you ascribe to somebody who will take something on and spend 5 years trying to bring it to this point.

But I must say, listening to the arguments being made this morning against this legislation, there is one that I am just prompted, at this point—as long as the Senator recognized the fact that we have had differences of opinion—to comment on. And this is the notion that somehow the Senator and his legislation are mandating on every employer in America that they have to give 12 weeks off every year to all of their workers.

I mean, one of the notions that I thought I picked up watching my colleagues this morning is that we are imposing this new mandate on every employer in America, that they have to provide all of this, 12 weeks off, where in effect, as I understand the proposal, it says you cannot fire somebody for paying a certain amount of required attention to their family. As the Senator from Indiana said so clearly here, the birth of a child is important not only to the worker but to the employer. The illness of a family member we know is important to employers in America. How do you think we got 100 billion dollars' worth of tax subsidies under health insurance?

If you want to talk about a mandate that is in existence, let us talk about health insurance. There is not a law that says everybody has to have health insurance, but you, as an employer in America, if you do not have health insurance, you do not get employees. So whoever of our predecessors made the decision we are going to spend the taxpayers' money so that employers could provide health services free for their employees and their families was mandating that if we want to do business in America, you better provide health services for your employees.

So it just struck me, as I listened to this argument about competition this morning and putting America's business out of business, that this mandate business has been around a long time. And it has been around a long time particularly in the areas of health services for families and for workers. This is not new. I will say more about that later.

But in that respect, the knock that has been put on the legislation of the Senator from Connecticut that it mandates the new health benefits is precisely the wrong way to approach this issue.

Again, I appreciate the Senator's leadership.

Mr. DODD. I thank my colleague from Minnesota.

Lastly, Mr. President, no discussion of this legislation would be complete without also making reference to the Chairman of the Labor Committee, without whose leadership and support none of this would happen or move at all. So I am deeply grateful to the senior Senator from Massachusetts [Mr. KENNEDY] as well for providing the leadership on the committee that would help us bring this legislation along to the point that it is today.

Mr. President, I am often struck by the fact that so oftentimes we in this body, no matter how much effort we make to be in touch with our constituencies—and I know Members do spend time on weekends and during recess weeks to be back and discuss the various problems people face—I oftentimes think there are problems our constituencies face that we are not probably as in tune with as we could like to be.

One of those probably is the issue of critical family problems that occur. It is normally not the subject of discussion at town meetings to have someone walk up and talk about a highly personal problem they may have with the death or serious illness of a parent or a spouse or their children and what has happened in that workplace setting.

But we know from our own experience here that many of our colleagues have been in the situation where there has been a serious family problem, and we know how we feel about that among ourselves. And with the permission of the Chair, because as I sat here, Mr. President, thinking about this issue, I was struck with the coincidence that our distinguished colleague in the Chair, the Senator from Tennessee, only a few short months ago went through the critical problem of having a child struck by an automobile. It was a moment of great tension and frustration, I know, for our distinguished friend in the Chair. And the Senator did what I think everybody else in this Chamber would have done. He was there with his child, just as I believe every single Member would have done here.

I do not know this, but I suspect our colleague missed some votes and was not able to attend some hearings here in the Senate that he would otherwise have been a participant of because his son was in trouble. I do not know of a single Member here, I am certain no constituent of his or any editorialist in the country or any commentator on public policy would have ever suggested the distinguished junior Senator from Tennessee should have been anyplace else than where he was.

I mentioned Senator KENNEDY a moment ago. Certainly, many will recall not many years ago when his son was discovered to have cancer. He went through a terrible period of time. I know our colleague from Massachusetts spent time with his child, missed votes, and was not here for a lot of debate on various issues. I know of no one who thought for a single second that he should have been anyplace else.

I saw a moment ago our distinguished colleague from Utah, Senator GARN, my good friend, who courageously donated an organ to one of his children not too many years ago. I know my friend from Utah missed some time, could not be here. I know of no one that would have suggested that he should have done anything else. In fact, I do know that many of our constituents, if not all, applauded the courage of doing it, taking care of a child at the time of need.

And yet none of us in this Chamber were ever even remotely threatened with a loss of employment or the loss of pay—we are not even talking about pay here. We all did what we instinctively knew you had to do just, as others do in the private sector.

A chief executive officer, a top ranking official, if their spouse or their parent or a child were in serious jeopardy, is there any doubt in their mind where they would be at that moment? Would they worry about their pay? Would they worry about their benefits? Would they worry about being criticized for spending time in that particular moment? I defy anyone to suggest to me that that would be the case. No one would be critical.

And yet, regrettably, there are millions of people in this country who are not Members of the Senate, who are not Members of the House of Representatives, who are not chief executive officers, who work on our lines of production, who work in factories and industries, who face the very same problems that U.S. Senators and chief executive officers face every single day.

And yet, unfortunately, they do not receive the same kind of treatment. Because, God forbid, they would go and say to someone, "My wife is seriously ill. I have got a child who is seriously ill. I need time. Don't pay me, but give me some time to be with that family member. And can I please come back and have my job in a few days, a few weeks if it is necessary?" And regrettably the answer over and over again is "No."

Mr. President, all we are trying to do with this bill is to say in those moments that every single American knows and understands—if it has not happened to them personally, it has

happened to their own family members or neighbors or coworkers—in that particular moment of crisis, take some time. Take some time. Be with your family, be with your child, be with your spouse, be with your parent and help them get back on their feet and then come on back to work. That is all this legislation does.

And we exempt all small employers because we honestly felt it was not fair to ask a small employer to have to bear that kind of a burden.

And, frankly, Mr. President, small employers, we think, take care of this problem because they know the employee. If it is a small shop, you know your workers, and because in human decency says, if I have someone who works for me, I will take care of them. I am not worried about that.

But where it is a large setting, it is virtually impossible for the employer to know everybody. They cannot be dealing with them on a personal level like that. So we exempt all employers in this country who employ 50 or less people.

We also say to them, under the leadership of Senator BOND and Senator COATS and Senator FORD, in fact, go a bit further. If you have 10 percent of your employment force that you think is critical to you, they are exempt as well. So the number actually goes beyond 50. It can be 10 percent of whatever your number is. We also say, look, you bring up a good point. We count temporary people who come in, part-time people. That can be a burden. You have to be almost a full-time employee. You have to work for a year for the employee to qualify for this.

We went further. We said, listen, if you know you have a problem coming up, you have to let your employer know 30 days in advance of a problem, to try to at least take care of those concerns raised by employers and some business people in this country.

And, Mr. President, I would suggest if the White House has other ideas in this vein they think would help—I have been begging for 5 years for some suggestions on how this can be improved. I must tell my colleagues here I have never had a single response from the White House in 5 years on how do we improve this bill except they were just flatly opposed to it.

So, Mr. President, I would hope today, as our colleagues consider this legislation, they try and step back a bit; step back a bit and move themselves away from a lot of the little details here that I know are important. I know the devil can be in the details and I am not suggesting that they avoid the details. But too often I think we get so involved in the bureaucracy of the bill, what is section 101, what is section 102, paragraph B, subsection 3 says—we can get all wound up in that.

I think Senator BOND will be the first to say we have not crafted a perfect bill here. There is no suggestion of that kind. But I would ask my colleagues to step back and say what are these guys trying to do here? What are they really trying to do? And is what they are trying to do such an impediment, such a burden that it ought to be flatly rejected? Or, do they have a good idea here that may provide, in fact will provide, a needed benefit for people in the workplace today?

I was accused awhile ago of introducing a yuppie bill; this was a yuppie bill. Somehow only those in the upper-income categories will take advantage of this. The Senator from Missouri laid it out in chapter and verse, who we are talking about here. Two out of every three women in the work force today are either single heads of household, the sole providers of their families, or have spouses who earn less than $14,000 a year. I do not know of anyone who would define that crowd as yuppies. In a sense, if they have a family problem, if they have a problem with a child, is there any doubt in their minds what they have to do, how they wrestle with those problems? To suggest this is a yuppie bill is unfortunate, but is an effort, I think, to move the attention away from what legislation is before us and try to create some sort of different argument here than is actually before us.

I will go into greater details on the legislation later, but I really urge my colleagues to step back and just consider what Senator BOND and Senator FORD and Senator COATS are doing here with this substitute. You have to exhaust all your other benefits, by the way. You have to use your vacation time and sick leave and everything else before you get a day of this. We have done everything possible we know how, to assuage the fears and concerns of those in the business community who are worried about what this legislation means. And when some suggest, by the way, that this is going to make us less competitive, our major competitors have proposals dealing with family leave that go far beyond what we have talked about here—the Japanese, the West Germans. In fact, Mr. President, we are the only industrialized country in the world that does not have a proposal like this or something similar to it.

Of our major competitors, we stand alone. The Small Business Administration, I mentioned already, did a survey; the General Accounting Office; surveys of employers in the four Midwestern States have examined this issue. The irony is that every employer who has adopted a family leave policy swears by it. Every witness we had before us who had utilized some fashion of this, said it was one of the best things they had ever done.

It raised their retention rates, dropped absenteeism, increased productivity. The testimony was overwhelming from those who had actually had experience with this. The irony was we heard from some witnesses from the business community who talked about what they thought this might do; what they were fearful it might do. When you compare that testimony from the business community who were actually practicing family and medical leave, there is just no comparison whatsoever.

So I hope as people look at this bill today, if they want to examine some of the details, they will appreciate what we have accomplished here and also understand, with all the rhetoric—and, Mr. President, God knows every single Member of this body, I guarantee, on every single weekend and every single recess, no matter what the subject matter is, stands up and gives a speech today and talks about the American family and how they care about them and how they worry about them and how they are concerned about their welfare and their children. You cannot find a speech being given at the local, State, or Federal level by the President, any Member of Congress in the last 2 years, where the American family is not sitting up there in bright lights.

Mr. President, here is a chance to do something about the speeches; to say to American families we are not only talking about you, we are going to do something for you here.

There is no impact on the Federal budget. There is not a nickel of Federal dollars here. Nobody's taxes are going to be touched. It is 2 cents a day per covered worker. That is what the estimates are from the GAO, and maybe less than that, to provide for the opportunity for people in a family situation to be good employees, to be good, productive citizens and simultaneously be good parents, be good spouses, be good children themselves when it comes to trying to keep this unit together that everyone talks so eloquently about in speeches before every imaginable group in this country.

Today you will have a chance to say whether or not those speeches mean a lot to you. You will go home and talk about families and what you have done for them. Here is something you can do for them in very concrete terms and in no way jeopardize the business community in your State or district in this country at all.

So, Mr. President, again I commend my distinguished colleague from Missouri. He has been courageous. He has shown great intestinal fortitude in facing, I know, a lot of pressures, and I admire him. It is a courage we do not oftentimes see in public life. We have all felt the pressure at one time or another. Some buckle under it. Some stand up to it. The Senator from Missouri stood up, and every Member of this body ought to know it. The Senator from Indiana as well, with the

courage he displayed, decided he would put his constituents, his families, his business community first. And that is what they have done by offering this substitute, along with the Senator from Kentucky.

I commend them for their efforts. I am hopeful we will prevail. I am still very hopeful that President Bush will sit down and talk with us, if he has some ideas on how he thinks we can improve this. This debate is not going to be foreclosed today. We are anxious to hear his ideas and suggestions and I am more than willing to incorporate them into this legislation if that will help us get a piece of legislation passed here that will do what we hope it will do for families and workers in this country.

So the offer still is out there. We are anxious to meet, talk, discuss, if that is the case. But today the Senate must express its thoughts and its views and we will have that opportunity in a few short hours. We look forward to that support. We look forward to adopting, after 5 years, a piece of legislation we think will make a difference, a real difference for families in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I express my sincere thanks to the distinguished Senator from New Mexico. I know he wanted to make a speech off of this measure. Before he does that I want to take a minute to say what is totally unnecessary, and that is, my good friend from Connecticut, who is the original sponsor of this legislation, has demonstrated once again why he is known as the champion of children's and family issues. His most eloquent comments about the very real family crises that Members of this body have felt, touched home to me. None of us lost our jobs. None of us even lost pay. Yet we did not hesitate and we would not hesitate to take time off from work for a family crisis.

I believe he has made the case in a most compelling fashion that the workers who are at the lower end of the scale, as well as those of us fortunate enough to be at the higher end of the pay scale, should have some protection. We do provide that in this measure.

AMENDMENT NO. 1245

(Purpose: To provide a substitute amendment)

Mr. BOND. Mr. President, I now call up amendment No. 1245.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. FORD, and Mr. COATS, proposes an amendment numbered 1245.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BOND. Mr. President, I thank the Chair and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to proceed for up to 5 minutes as in morning business without it counting against the time on this amendment.

The PRESIDING OFFICER. Without objection. It is so ordered.

JUDGE CLARENCE THOMAS

Mr. BINGAMAN. Mr. President, when the Senate votes next week on the nomination of Judge Clarence Thomas to the Supreme Court of the United States, we will be carrying out one of the most important duties entrusted to us by the people of this Nation.

It is a duty none of us take lightly, for the very foundation of our democracy—the Constitution and the Bill of Rights—is at stake. I, like all my colleagues, am well aware of the critical role the next Supreme Court Justice will play in ensuring the stability of that foundation, or in reshaping it.

The decision of whether to consent to this nomination was not an easy one. A decision of this magnitude never is and never should be.

However, after listening to the Judiciary Committee's hearings and reviewing Judge Thomas' professional background, I have concluded that Judge Thomas does not meet the standard that should be required of a Supreme Court nominee. Therefore, Mr. President, I will oppose the President's nomination of Judge Thomas to the Supreme Court.

The reasons for my decision are two:

First, I do not believe that Judge Thomas' legal background and experience qualify him to sit on our Nation's highest court; and

Second, I believe that, for whatever reason, Judge Thomas purposely denied the members of the Senate Judiciary Committee and the American people straightforward and credible answers to questions posed during his nomination hearing.

Mr. President, I believe Judge Thomas is a fine man, and my decision to vote against his nomination to the Supreme Court is not intended to take anything away from him or his accomplishments over the last 43 years.

His perseverance in the face of adversity and discrimination and his rise from poverty to the Eighth Circuit Court of Appeals are truly inspiring and admirable. But those accomplishments alone do not qualify him to sit on the Supreme Court of the United States.

We, in the Senate, have the right and the duty to demand more.

The inadequate qualifications of this nominee are plainly evident when his nomination is compared, as Dean Erwin Griswold pointed out during last month's hearing, with the past nominations of Charles Evan Hughes, Harlan Fiske Stone, Robert H. Jackson, and Thurgood Marshall. The depth of experience and ability they brought to their post is what the American people expect and deserve in nominees to the highest court in our land.

The American people have the right to expect that the President will nominate well-qualified, experienced individuals to the Supreme Court. And if he does not, the American people have the right to expect that the members of the Senate will reject the nomination.

Mr. President, I know that there are well-qualified, experienced individuals in the United States—many of them minorities and women—fully qualified to serve on the highest court in the land. But today, Judge Thomas is not one of those people. At some future date, after a period of time on the Court of Appeals, he may be.

The Supreme Court is not intended to be a learning ground. It is not a stepping-stone to something better. It is an irrevocable, life-long position of unparalleled importance and power in our system of Government. And we cannot consent to nominations to the Court with our fingers crossed, hoping that the nominee will evolve into a sufficiently qualified Justice over a period of time.

Too much is at stake; too many important decisions will confront this nominee and this Supreme Court—decisions that will affect our lives and the lives of our children, grandchildren, and even our great-grandchildren.

Judge Thomas' legal background and experience are not the only reasons for my opposition to his nomination. I am also troubled by the nominee's obvious unwillingness to be forthcoming with the members of the Senate Judiciary Committee during last month's hearing.

Certainly, a nominee can refuse to answer any question he chooses; but when questions are repeatedly and purposefully avoided, as I believe they were during last month's hearings, I have to ask myself why, and I have to make my decision on the nomination accordingly.

In the case of Judge Thomas' hearing, I have to ask myself why the nominee's answers were so obviously structured to reveal as little information as possible.

For example, is it realistic to believe that a sitting judge, a man who was in law school when the landmark Roe versus Wade decision was handed down, has no opinion of the case? That he has never discussed it with anyone? This is what he told the committee, despite the fact that he has cited Roe versus

Wade as one of the most important decisions issued by the recent Supreme Court.

Mr. President, as a lawyer, I find such an assertion difficult to comprehend.

In the final analysis, each Member of the Senate must vote on the basis of what he or she believes is in the best interest of the American people. I, for one, do not believe those interests will be well served, at this time, by confirming Judge Thomas as an Associate Justice to the Supreme Court. Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I would like to speak in favor of the pending legislation. I do not believe the managers are here. I ask unanimous consent that I be allowed to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized for 5 minutes.

IN SUPPORT OF FAMILY AND MEDICAL LEAVE

Mr. GORE. Mr. President, I am pleased to address the Senate on this occasion in support of the Family and Medical Leave Act. I wish to pay my compliments to the author of the legislation, the Senator from Connecticut, and all of us know what it means to take 5 years and devote it to a project like this. All of us on both sides of the aisle have been personally contacted by the Senator from Connecticut many times during these last 5 years as he has worked so hard to get this legislation to where it is now. I really do want to compliment him for all the work he has done on the substance of this legislation.

I also want to join him in offering compliments to the Senator from Missouri [Mr. BOND], the Senator from Kentucky [Mr. FORD], and the Senator from Indiana [Mr. COATS] who have offered this compromise which has been worked out with the cooperation of the Senator from Connecticut and addresses many of the concerns which were initially expressed by some within the business community about this legislation.

I have received contacts from many in the business community who are still opposed to this legislation, and I understand their opposition, and I also understand the general thrust of the intellectual case made against this bill: If you try to mandate something, you are going to be heavy handed and you are going to create more problems than you solve, and all of that.

But, Mr. President, I want to say to my colleagues, I have evaluated those objections as best as I can and weighed them against the positive results which I am genuinely convinced will come from this legislation. I do not think it is even close. I do not think I have ever seen a piece of legislation come to this Chamber where the merits are so clearly on one side of the argument. I know that sounds maybe a little abrasive to those who sincerely believe the legislation is a bad idea. But it sure does seem like a clear cause has been made for this bill.

Most Americans know too well the difficult decisions that accompany having a family and having a career. Often a worker cannot be with a newborn child, or a sick child, or ailing parent because doing that would mean the risk of losing a job. That has been documented. People can come over here and say those are just anecdotal examples pulled out to make a distorted case. It is just not true.

What the Senator from Connecticut said a few minutes ago is very true; that in the places of business where there are a handful of employees and everybody knows each other on a first-name basis, it is just obviously human nature that this is going to be worked out. But it is also true that since the beginning of the industrial revolution, a distance has opened up between employer and employee. Many businesses, thank goodness, are closing that gap, and even larger firms are figuring out ways to, once again, remain in personal contact with the men and women who work in that business.

But we have not made that transition yet, and so many thousands, and hundreds of thousands, of men and women in this country still work in places where the organizational framework is such that there is not that direct contact. It is in those places of business where the insensitivity creeps in, not because the managers are necessarily bad individuals, but it is just the way that system operates. It is the way it works.

Other Members of the Senate have had personal experiences. I would like to just briefly tell you about my experience. My son was almost killed 2 years ago. When he was in the hospital, my wife and I were able to be there with him. Look at this issue for just a moment, Mr. President, from the standpoint of a child who has been injured. Just try to imagine yourself as a child with a tube going down your throat and not able to talk, with IV's all over the place, and medication, and a tremendous amount of fear, a tremendous amount of uncertainty about what is going to happen, a lot of pain, a lot of anguish, a lot of emotional distress.

What does it mean to you if you are a child in that situation to be able to look up and see the comforting face of your mother and your father? What does it mean? I will tell you, Mr. President. For some children, it means the difference between recovering and not. For some families, it means the difference between surviving that trauma and moving on, and breaking up, and not being able to cope with it.

How many families do you know that have gone through a shattering experience and then suffered an aftershock where the family splits up? It is so common; it happens all the time.

Now, if the child is there in the hospital bed and the parent goes to the employer and says, "My child is injured. I really have to be with my child," and the employer says, "Well, if you go, it means losing your job," what kind of choice is that? What kind of choice is it? It is not a hypothetical case. It happens all too frequently. This legislation will prevent that.

Is this a hard choice? Is it really hard to decide how to vote on this bill? I do not believe it is. I just cannot accept that. I do not think there has ever been legislation in this session of Congress where it was so clear what the right decision is.

The Senator from Indiana spoke eloquently a few moments ago about another case where a newborn is with his or her parents, and the mother of the child has to go immediately back into the work force. And he quoted Dr. Berry Brazelton, one of the authorities who has worked very closely with the Senator from Connecticut in shaping this legislation, who offered some evidence that some parents anticipating the psychological pain of having to rip themselves away from that newborn after 2 or 3 weeks protect their hearts by not letting themselves open up fully and completely and bond totally and fully. So the distance that ought not be there is there. And the child does not sense that? Of course, the child senses that.

You have heard the phrase "dysfunctional families." A whole body of analysis is coming out into the public policy dialog now about the consequence of dysfunctionality in families. What is the beginning of that dysfunctionality? The beginning of it is in that relationship between parent and child. If it is not well established at the beginning, if the child is not given that sense of wholeness and well-being which comes when that relationship is firmly established at the beginning, put on firm footing, then the problems flow from there.

This legislation addresses that. It does not solve all of the problems, but it says that parents with a newborn can go to their employers and say I want a sufficient amount of time to be with this newborn, to get my family off to the right kind of start, establish those relationships at the beginning and avoid the problems that will come later on if that is not done.

Mr. President, there is an awful lot more I could say about this, and I will revise and send for the RECORD.

I close because I know others are waiting to speak. I am pleased and genuinely honored to support this legislation which gives more Americans the option I had when my son was injured, and that is to be where they are supposed to be and to be there when they are needed.

Again, in urging my colleagues to vote for families, vote for strong families and support this legislation, I close where I began. I cannot believe this is all that tough a decision for anybody who really looks at the merits of this legislation. Let us vote for this bill, and if we have to override a veto, whatever we have to do, let us make sure this is the basic law of the land.

I yield the floor.

FAMILY AND MEDICAL LEAVE ACT

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. DODD. Mr. President, I ask unanimous consent that any time the distinguished Senator from Massachusetts may take would come off the time of the distinguished Senator from Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, it is long past time for the Senate to step up to the plate on the issue of the family and medical leave. This legislation provides long overdue assistance to working parents struggling to balance the responsibilities of work and family.

Senator DODD deserves great credit for his tireless efforts on behalf of America's families and children. Our bill has new momentum and support, because every year that passes, the issue becomes even more urgent for working families, and the resistance of our opponents become even more untenable.

I also want to commend Senator BOND, who has joined in developing a realistic compromise that accommodates many of the concerns raised by the business community.

This bill provides 12 weeks of unpaid leave per year to workers for childbirth or adoption, or when the employee or a close family member such as a parent, child, or spouse had a serious illness. It covers both private and Government employees.

Under the original bill, employees who have worked 20 hours a week for at least 1 year would be eligible to receive the benefits. To meet the concerns of the business community, that threshold has been increased to 25 hours a week in the substitute bill.

To meet the concerns of small business, the bill exempts firms with less than 50 employees within a 75-mile radius. The compromise would also allow an employer to deny leave to the highest paid employees, if their absence poses an economic problem for the business. As a result of these compromises, 95 percent of employers and 60 percent of workers are not covered by this legislation.

Employees would be required to provide either 30 days notice or reasonable notice of leave, whenever possible, so that employers can plan in advance for the absence of the workers.

Another key aspect of this bill requires employers to maintain health insurance coverage during the leave period. Fear of losing health insurance is one of the primary concerns of workers. No worker should have to worry about such coverage at a time when a child or spouse is seriously ill.

To protect businesses, any employee who fraudulently takes such leave is subject to a recoupment action by the employer for the cost of health coverage.

Compared to laws in other countries, this legislation is a modest response to the urgent needs of working families. Canada provides 15 weeks of family leave and 12 weeks of medical leave—with the Government paying 60 percent of the cost.

The West German Government pays 100 percent of the cost of 19 weeks of family leave for its workers.

The need for similar national legislation in the United States is obvious. Today's work force is very different than it was even 10 years ago.

Women are entering the labor market at a rapid rate. Their number has doubled since 1970—and the increase shows no sign of abating. By the year 2000, three out of every four children will have mothers in the work force.

The stereotype of the past—a father at work and a mother at home caring for the children—has increasingly been replaced by families headed by working couples or single working parents.

Two out of three women working outside the home today are the sole providers for their children, or have husbands who earn less than $18,000 a year. Large numbers of families today depend on a woman's income to survive, and our economy needs to adjust to that reality.

Debating whether or not mothers should work is a futile exercise. We cannot turn back the clock to earlier times. Women and mothers are working in record numbers. They will continue to do so, and employers should adapt to their needs and responsibilities.

Some States have made major strides to develop family leave policies to reflect this changing situation in the workplace—but the reforms vary widely from State to State. Similarly, some businesses have voluntarily taken initiatives to address the needs of families by implementing reasonable leave policies. These States and firms should be commended for this progress, but it is far from enough. Family leave is a national issue, and it deserves a national solution.

The productivity of workers and the lives of their families will be improved by sensible steps to make the workplace more responsive to their needs.

When my son, Teddy, was hospitalized with cancer years ago, I spent a great deal of time away from my office in Washington, so that I could be with him. That time away was an obligation I had as a parent. Because Senate schedules are flexible, I was able to take the time off I needed. Millions of Americans are not so lucky, and they deserve the helping hand from Congress that this legislation will provide.

In the hearings on this measure, we have some tales of harsh attitudes of businesses. To take, for example, when Edward and Paige Hoffman's young son was struck by lightning in St. Louis, they rushed to his hospital bed to care for him through his tragedy. Edward Hoffman was fired from his work, because he spent to much time with his son in this emergency and not enough time on the job.

No parent should be forced by any employer in America to choose between the child they love and the job they need.

Workers also deserve a fair opportunity to care for aging parents. Over 20 percent of the 100 million American workers have some caretaking responsibilities for an older person. Without an adequate national leave policy, many of them will have to reduce their work hours or leave their jobs. This bill allows a worker to take unpaid leave to care for an elderly parent—a responsibility that businesses should encourage, not prevent.

Finally, it is time the disinformation campaign involving this bill was brought to a halt. The Chamber of Commerce and certain other business groups are already papering the Senate and the House with misleading statements about the dangers of this measure. They allege that the bill will hurt employees, not help them. Well, I say it's time to let workers speak for themselves. The working men and women of the Nation support our proposal in overwhelming numbers. They need help, they deserve help, and Congress should respond.

In poll after poll, Americans show their overwhelming support for enacting family and medical leave policies. A 1990 Wall Street Journal poll found that 71 percent of American voters favored such a law. Over 80 percent of all respondents in a Gallup Poll agreed that employers should be required to provide medical and parental leave. And the results are similar in all parts of the country. There is no question about what the American people want—it is a question of when Congress is going to catch up to the will of the people.

Opponents attack our proposals, without offering a serious alternative. They criticize our statistics and studies, without offering evidence of their own. They retain high-paid lobbyists to argue their case. But most working men and women have no such resources. If we do not speak for them, who will?

A recent study by the Small Business Administration reported that the costs of permanently replacing employees are significantly greater than granting family leave. That wasn't the answer our opponents wanted. So distribution of the study was halted.

The United States is the only industrialized country in the world that does not have a national family leave policy, and it costs us dearly. Women workers who take time off for the birth of a child lose over $600 million a year in earning power. More than $100 million a year in additional welfare costs must be paid to cover employees without leave.

The lack of medical leave costs workers and taxpayers an astounding $16 billion a year in lost wages and Government benefits such as unemployment compensation, food stamps and welfare. Few measures we consider offer us this unique chance to help working men and women, and also reduce the Federal and State budgets at the same time.

The Family and Medical Leave Act is essential legislation—and it ought to pass now. No business lobby, no matter how well-financed—and no administration, no matter how beholden to business—can continue to deny the will of the American people.

In years gone by, Congress has waged similar battles to enact antichild labor laws, social security, medicare, unemployment compensation, the minimum wage, workplace health and safety laws, and other fair labor standards to protect working men and women against exploitation by businesses inclined to put profits first and families last.

This bill is another important advance in that unending struggle. It offers simple justice and a helping hand to millions of working families across the Nation. It deserves to be enacted into law now, even if that means overriding another misguided veto by the President.

Mr. President, I, too, want to join in commending our colleague from Missouri, Senator BOND, as well as Senator FORD, for all of their help and interest in helping to fashion this legislation and express appreciation to our colleagues on the other side of the aisle, Senator COATS, Senator JEFFORDS, and others who have signed on to support this program. In a very true and real sense, this issue should be nonpartisan, and in the best sense a bipartisan effort to bring some sense of family into the workplace in our country.

I pay special tribute to our friend and colleague from Connecticut, Senator DODD, who has been the real spearhead for this legislation, as in many other pieces of legislation affecting families and particularly affecting children.

Mr. President, as has been pointed out during the course of the debate, this is not a new issue. It is not a new issue for the Congress and Senate. We had the opportunity to debate this issue in this Chamber over a period of days just over a year ago.

Unfortunately, we were not successful in that particular effort because we were not able to override a veto. But as has been pointed out during the course of this debate and discussion, this legislation is a further modification of what I think was strong legislation the last time the Senate passed it.

It truly is a compromise to deal further with some of the concerns of Members about the amount of time that would actually be available to workers should they have to spend that time with a sick child or sick parent. It also established a higher threshold on temporary workers, to ensure those who were actually going to be able to benefit and be able to return to their job demonstrated a significant commitment to their job. Now we know, with the Bond amendment, they will have to average 25 hours a week, be with a company in excess of a year. And there has also been a further modification in terms of the enforcement mechanism of this legislation which will encourage conciliation, encourage, when there are grievances, use of a tried, tested, and effective measure in providing remedies to both the individual who may be adversely affected and denied the parental leave but also any employer who is familiar with the types of remedies under the Fair Labor Standards Act, familiar with the procedures, familiar with the process, familiar with the kinds of enforcement mechanisms. In a very creative way the compromise moves on that area.

So for those who have been the most critical, I think the compromise itself has moved in a very significant and important way to relieve them of these kinds of concerns.

I, too, join with Senator DODD in hoping that the President may ultimately look at this legislation, which has strong bipartisan support, which is a further modification of what was passed previously, which addresses the previous concerns of those who have opposed this legislation, with those adjustments, with a real evaluation in terms of cost, and be able to support it.

Mr. President, I hope, too, as we move through the consideration of this legislation today and the House of Representatives moves forward on the legislation, the Chamber of Commerce and other economic interests that have been opposed to this legislation will cease and desist their disinformation campaign.

I think all of us who followed this legislation over a period of time recognize the extraordinary disservice that those organizations provided, showing inflated assessments in terms of the cost of this legislation. Hopefully, as a result of the record that has been made earlier today and in the course of these hearings, that particular red herring has been safely put to bed, because it should be—because the justifications which are made by the chamber and other groups which effectively have opposed this legislation continue to oppose this legislation just as they have opposed the legislation that has been accepted by this body on child labor; just as they opposed legislation to try to ensure that the men and women who are working in the work places of this country are going to have safe and healthy work sites—and the whole range of different legislation that is to try to ensure that the workers of this country are not going to be exploited; that survival of the fittest may be a good law in the jungle but it does not have a place in terms of the working places for men and women in this country.

Mr. President, this legislation, as has been pointed out by the principal sponsors, really is a reflection of the changed workplace, as it truly exists today, where hard-working men and women, hard-working heads of households who need these jobs, who depend on these jobs, who want to work, in many instances have to work, most instances have to work, will not be put in the extraordinary position of having to choose between the child that they love, the child that they need.

Mr. President, I heard the very eloquent comments of our good friend and colleague from Tennessee, Senator GORE, as he shared with us the trials and tribulations that he faced, the very extraordinary tragedy that affected his son, and I think all of us are thankful that child has made the absolutely extraordinary recovery that child has.

But I think all of us in this body were touched by the extraordinary accident that affected that extremely young person. And all of us admire the courage of that young boy in his recovery, and also admire the dedication of his parents, Senator GORE and Mrs. Gore, in looking after that child.

I think many of us in this body have had similar circumstances. I mentioned previously about the challenges that faced our family when my son, Teddy, had cancer at the age of 12, had 2 years of chemotherapy, 3 days every 3 weeks. I was able to be with Teddy on each of those occasions for a period of 2 years. We were able to, with the accommodation at that time, of Senator Mansfield, which did not really disrupt the Senate in any way. I was able to, I think, meet the most important re-

sponsibilities which were to my family and also my responsibilities as a Member of this Senate.

The Senate has a flexible schedule. We have seen that in the last 48 hours in terms of accommodating different Members, in terms of times of votes, and in scheduling different legislative undertakings. That is the way this institution works. But that does not work for many of those young workers, men and women, fathers and mothers, who are facing the challenge of a sick child.

I will include in the RECORD, in my formal remarks, the testimony of parents who were torn between giving attention to their child or to their parent, and how they responded by giving that attention to their child and to their parent. And it resulted in losing their jobs. In a number of instances both parents lost their jobs when they were looking after children. It is difficult to believe that exists. I do not think there is probably any Member of this Senate who has not been faced with similar circumstances, if not themselves, by their immediate staff. I think all of us try to respond in a humane way to those particular challenges.

But that does not always exist out there in the harsh light of the workplace in this country.

All we are attempting to do in this sense is try to provide at least some consideration for that parent and for that child. We have been able to do it for ourselves here in the United States Senate. We are able to do it for ourselves in the Congress, in the House of Representatives. Why not just try to do something decent and fair for families in this country, and do it for working men and women? That is what this is all about.

I believe that this is important legislation. It is really a down payment in terms of trying to recognize at least part of the challenge that exists for families today in our country. As has been pointed out frequently, every other industrial nation in the world has this and more in terms of parental leave, and paid parental leave.

Mr. President, I agree with those who say that after we pass this legislation, we in this body, people around the country are going to say, "Why did it take so long? What was the furor about? How could there have been really opposition?"

I hope that this legislation will be overwhelmingly accepted this afternoon, that the President will put his veto pen away and sign what is extremely important for working families in this country.

Mr. DODD. Mr. President, at this point may I inquire of the Chair what the time allocations are?

The PRESIDING OFFICER. The Senator from Missouri has 6 minutes and 13 seconds. The minority manager has 60 minutes.

Mr. DODD. Mr. President, I would at this point note the absence of a quorum, and ask that the time be charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair informs the Senator from Vermont that we are presently in a time that is limited to 2 hours, equally divided and controlled by the minority manager, and also the majority manager.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be able to speak for 5 minutes, with time allotted by the Senator from Missouri [Mr. BOND]. I am informed that it is OK with him.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAELI LOAN GUARANTEES

Mr. LEAHY. Mr. President, for the last 3 weeks, the United States and Israel teetered on the brink of a damaging confrontation over a humanitarian program to assist Soviet and Ethiopian Jews immigrating to Israel.

Fortunately, we pulled back from the brink. Thanks to the restraint of all involved, we avoided a fight neither side, administration or Congress, can win.

It is essential that nothing interfere with the peace process in the Middle East. The President asked for a short delay in action on Israel's request for $10 billion in loan guarantees for immigrant absorption. He says this is needed for his efforts to convene a peace conference. That delay is being granted him.

As chairman of the Foreign Operations Subcommittee, which writes the foreign aid appropriation bill, I have agreed with the President and the leadership, including the distinguished chairman of the Appropriations Committee, as well as my good friend and ranking member, Senator KASTEN, to hold off that bill until next January. This will help avoid a premature clash that serves no one's interests, while guaranteeing a must pass bill on which to include a loan guarantee program.

Delaying the fiscal 1992 foreign aid bill means there will have to be a continuing resolution to fund the overall foreign aid program during this period. We are now in a short-term continuing resolution for all appropriations bills which have not yet been enacted, which is most of them. Before the end of October, it will be necessary to enact a longer continuing resolution for the foreign aid program to carry us to February. Further restraint on the Israeli loan guarantee request will be necessary when we move that continuing resolution. I hope all Senators understand how important it is for everyone of us to respect the consensus among the White House, the congressional leadership, and Israel, that consideration of Israel's request for the guarantees will be postponed until the Senate takes up the House-passed foreign aid appropriation next year.

Frankly, Mr. President, a lengthy continuing resolution will cause problems and difficulties in the foreign aid program. Yet these problems are the best guarantee of action on a Senate bill early next year. The continuing resolution must not become a mini foreign aid bill with so many exceptions to the usual formula approach that it makes everyone comfortable. The administration, the Senate and the House, all must want and need a complete foreign aid appropriations bill conferenced and enacted next February. Otherwise, there could be a temptation merely to add the Israeli loan guarantees to that continuing resolution and extend it for the full year. That is a course which I strongly oppose. We must pass a Senate bill and go to conference with the House on a regular fiscal 1992 appropriation.

I have consulted about this concern with my ranking member, the Senator from Wisconsin, and I am pleased that he agrees with me. His cooperation in working out a way to ensure a vehicle for the loan guarantees next January has been invaluable.

There is a great deal of understandable concern, not only among the American Jewish community, but among all others who believe the United States has a moral responsibility to help Israel receive an expected 1 million immigrants. Many fear the administration will link its support for loan guarantees to a freeze on Israeli settlements in the occupied territories.

There is no doubt that President Bush, like every President since Lyndon Johnson, opposes Israeli settlements as an obstacle to peace and contrary to U.S. policy. However, I doubt that Prime Minister Shamir's government will agree to a freeze on settlements outside the negotiating framework. Last May, I suggested to Prime Minister Shamir a temporary suspension of settlements in parallel with an Arab suspension of the economic boycott and the state of war to help the prospects for a peace conference. He adamantly said settlements were an issue for the negotiations between Israel and the Arab parties about the occupied territories.

At the same time, it is eminently reasonable for the United States to insist that its assistance for the immigrants not contradict or undermine longstanding United States policy on Israeli settlements. When the loan guarantees do come before the Senate,

I will recommend several conditions to make them consistent with U.S. policy and to protect all American taxpayers.

Today, a proposal was introduced by my very good friends, the ranking member of the Foreign Operations Subcommittee, Senator KASTEN, and the chairman of the Defense Subcommittee, Senator INOUYE, who is also a member of the Foreign Operations Subcommittee. It has a large number of cosponsors. However, I am not one.

It is only fair to say at the outset that I cannot support this proposal in its current form. It seeks no economic reforms by Israel that would help it strengthen its weak economy and could significantly reduce the budgetary costs to Israel of the program. I believe it contradicts the purposes and procedures of credit reform. There is no mechanism for independent monitoring of the use of these guarantees to ensure they are used only in accord with U.S. law and policy. And it does not provide any means to address the thorny problem of Israel's settlements activities.

I strongly support a loan guarantee program to help Israel absorb an anticipated 1 million immigrants over the next several years. But I cannot support a proposal which simply hands over to Israel $10 billion in loan guarantees without any provisions to deal with these and other issues.

In my view, for a number of reasons Congress should not appropriate the entire $10 billion in loan guarantees up front, as this proposal would do. Instead, we should provide just the first installment of $2 billion in loan guarantees, though I would include in the foreign aid bill a firm declaration by Congress that it intends to provide $10 billion in loan guarantees to Israel over 5 years. Israel needs this assurance in order to plan and make commitments for the immigrants.

In addition, there should be a requirement for a major restructuring of Israel's heavily centralized and inefficient economy. This will help Israel's international credit rating, reduce interest rates on the loans, lower future subsidy costs, and lessen the risk that the American taxpayer might have to step in to cover a default.

There should also be a dollar for dollar reduction in the loan guarantees by whatever amount Israel plans to spend on settlement activities. This would ensure that our aid does not help, directly or indirectly, any further expansion of settlements in the territories. A dollar-for-dollar reduction in absorption aid would not be a settlements freeze, but it would make this aid consistent with U.S. Middle East policy.

We also ought to include a ban on the use of any of the absorption assistance outside Israel's borders before the Six Day War in June 1967 when it occupied the West Bank and Gaza. Reliance on verbal promises and written assurances about intentions in the past has just caused too many misunderstandings. United States policy in this regard should be written into law so there is no ambiguity.

Over the coming weeks there will be intense discussion about how to structure an immigrant absorption loan guarantee program. These are some ideas which I believe need to be included in this special aid program for Israel. They could form the basis of a program that meets the needs of all involved: the peace process, the immigrants, the President, Congress, and Israel.

I welcome the statement of the distinguished senior Senator from Wisconsin that he intends to work with me, other involved Senators, and the administration to fashion a program all elements of the U.S. Government can support. I look forward to working closely with him, the President, and others to accomplish that goal, which I firmly believe is attainable.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY AND MEDICAL LEAVE ACT

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. REID. It is my understanding, Mr. President, that Senator DODD controls part of the time; is that correct?

The PRESIDING OFFICER. The Senator from Utah has 55 minutes.

Mr. HATCH. How much time does the Senator need?

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. REID. I do not want to impose on the Senator from Utah. The Senator from Connecticut has asked that I spend some time on the legislation. I do not want to take away from the Senator from Utah. I want to speak in support of the legislation.

It is my understanding, Mr. President, that Senator DODD, at a subsequent time, will have time in opposition to the Hatch amendment. I ask unanimous consent that I be allowed to use some of that time. I see the Senator from Connecticut is now on the floor. I ask if that agreement is agreeable to the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Through the Presiding Officer, I direct the question to the Senator from Connecticut. It is my understanding the Senator from Connecticut, at some subsequent time, will have time allotted in opposition to the Senator from Utah, and I am wondering if I could use some of that time.

Mr. DODD. Mr. President, it is all right with the Senator from Connecticut to allocate some of that time assuming an appropriate request. I have no difficulty responding to that request. Whatever time the Senator from Nevada wishes at that time I will be glad to allocate to him.

Mr. ADAMS. Mr. President, I would like to address an inquiry to the managers.

Mr. REID. Mr. President, is the unanimous-consent agreement approved?

The PRESIDING OFFICER. Without objection, the Senator may proceed. The Senator from Nevada.

Mr. REID. I yield to the Senator from Washington for a question.

Mr. ADAMS. I inquire of the manager. As I understand it, the manager, Senator HATCH, has agreed to yield me 3 minutes of his time on the bond compromise bill. I wanted to confirm that. Is that correct, that I may have 3 minutes of the Senator's time?

Mr. HATCH. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I first express my appreciation for the hard work—and that is an understatement—of the chairman of the Subcommittee on Children, Senator DODD. This is something that he has worked on not for days or week, but years. I know during my entire time here in the Senate, some 5 years, Senator DODD has been working on some aspect of this legislation. So I congratulate and applaud the Senator from Connecticut. I am personally pleased to see the Family Medical Leave Act before the Senate again.

Mr. President, I ask that we stop and consider and maybe imagine a society where people had to choose between having a child or keeping a job. To imagine a society like that would be realistically to imagine a society like we have, because in the United States that is the stark reality, that is a decision that people must make, and especially women must make; that is, whether she can have a child and still have a job, because, you see, in our country today that is a choice that women must make every day, whether they are going to have a child and, if they have a child, whether they are still going to have a job.

Or we can imagine a society where people had to choose between taking care of a sick parent or spouse or keeping a job. That imagination, if one had it, would again relate basically to the society we now have.

Or imagine a society again where people had to choose between coming to work sick or keeping a job. Again, for all these scenarios that I men-

tioned, you do not have to imagine this because that is a fact that is in the United States today. That is what exists here in our country.

We have had many examples, many cases, that have been forwarded to my office, just as I am sure the Presiding Officer's mailroom gets letters of really sad stories about people who have had to make these choices. Anyone in these Senate Chambers—in Illinois, Utah, Connecticut, Washington, Minnesota those situations happen and are happening every day; that is, whether a woman who has a child is going to be able to come back to work after that child is born, because the law in the United States does not require that employer to maintain that job. And when I say maintain the job, that does not mean while the woman is off on maternity leave that she is asking to be paid; all she wants is her job back. That is really what this legislation is all about.

Again, I indicate to my colleagues that we all have had examples in our mailrooms of some sad stories, and I can relate a number out of memory, but one that comes to my mind is a man who is a miner, who had a daughter with cancer. In the final weeks of his little girl's life, the miner asked his boss, his supervisor, for time off to spend with the child before the child died. The supervisor refused this request and the miner had to go to work every day during last weeks of this little girl's life.

Each of the examples that I have spoken of a society where you had to choose between having a child and keeping a job, a society where people had to choose between taking care of a sick spouse or parent or keeping a job, these situations would have been remedied had a bill passed in the House and the Senate last year become law. Why did it not become law? It did not become law because it was vetoed by the President and the House and Senate did not have enough votes to override that veto.

I think it is wrong that the veto took place. I was disappointed in President Bush. I have great respect for President Bush. We all admire his family and the closeness of that family unit that we see with his wife Barbara, their children, and I have to believe that he got some bad advice. I cannot in my wildest imagination think that he would do what he did; that is, veto this legislation, some of the most important legislation, I think, to come before this body in a long time.

I hope that this legislation, which is different, not as good, but different, certainly a lot better than nothing, I hope that the President's advisers will recommend to the President that he sign this legislation. Because, you see, this legislation is going to make for a better society. Why? Because it will increase productivity, it will make absenteeism lower, it will improve loyalty that employees have for their employers. We are talking about competition almost every day in this body and in the other body. There are talks about the United States not being competitive, that an automobile here cannot be built as cheaply as an automobile there, that our manufacturing processes cannot compete with other countries' because labor costs are higher, or we have more problems with environmental laws.

Let me tell you one of the reasons that we have trouble competing is because employees in many instances are happier in other countries because of the work conditions, and one example is what we have right here. All the United States' major competitors have leave policies. Let me repeat that, Mr. President. Not most, but all, of the United States' major competitors have leave policies similar to the legislation that is now before this U.S. Senate. Germany, Japan, Canada, dozens of Third World countries have a paternal leave policy.

So today we are looking at a new version of family and medical leave legislation. Some are saying this is a watered-down version. I do not think we have to harp on that, we do not need to belabor the point. The fact is that once again we have now before this body a family and medical leave legislative package that is a good package. There are some provisions—key employees are exempted, restrictions on part-time employees tightened, penalties for breaking the law are reduced from last year's bill.

While this may not be as good, I think it is fine legislation, I think it is legislation we should pass overwhelmingly in this body, not because it is necessary to override the President's veto, because I do not think the President will veto this, but, regardless, we should send a message to the White House that this is going to become law regardless of advice that the President gets.

I yield the floor.

Mr. ADAMS. Mr. President, I ask Senator HATCH if I may use the time now.

Mr. HATCH. I yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I rise in support of the Bond amendment to the Family and Medical Leave Act. We are asking to meet some very basic human needs with this legislation, and what could be simpler than asking that every American worker have the right to take a short leave from their job for the birth of a child, to take care of a serious family illness, and to be secure in knowing that he or she can return to their job. This is pretty simple. It could not be more basic. Every industrialized country in the world, every one of them, has been providing their citizens with the right to family medical leave for generations.

Even South Africa provides all of its citizens with guaranteed family medical leave. Can the United States afford to do any less?

Some business groups oppose the idea. President Bush has opposed the idea. They say it is bad business. Wrong.

The Japanese provide their work force with guaranteed medical leave; the Germans provide their citizens with guaranteed medical leave. Does anyone believe these countries would adopt national policies that are bad for business? Just look at the balance sheet and you will find the answer.

Family medical leave is good for business. Three out of four care givers in this country are women. Women are moving into the American work force in record numbers. We must provide them with these simple guarantees. Without the benefit of job-protected leave, these women risk losing their jobs, forfeiting their health and pension benefits. At the very time in life when the joy of childbirth should be secure, these demands are put upon them. When the demand of the seriously ill family member must be attended, they have the problem.

And men deserve no less. If the American family is to be reborn, if we are to find again the values that have kept us together instead of tearing us apart, we must support this simple human family legislation.

This bill recognizes another reality in American business; the rise of the part-time worker. More and more businesses are turning to part-time workers. Many are older workers. A disproportionate number are women. Most of them work without benefits. This bill recognizes the part-time worker and provides family medical leave for them.

I hope that the Bond amendment will be adopted, I know it is supported by Senator DODD, because no employee should be asked to sacrifice the health and well-being of their family in order to keep their job.

Much will be said of this bill, that will hurt American business. Some States provide family medical leave now and they found nothing but benefits in this program. Workers are attracted to States that have passed family medical leave. Enlightened employers, who voluntarily provide family medical leave, have found they have an advantage in hiring the best workers and keeping them.

Mr. President, I am not asking us to get out in front on a new social issue. All I ask is that we join the rest of the civilized world in providing our workers and their families with decent care.

I yield the floor.

I thank the manager for yielding me the time.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, may I inquire of the distinguished Senator from Utah as to whether I could have a very brief moment to speak about this amendment, maybe only a couple of minutes maximum, and then a brief amount of time, independent of the discussion on this amendment, to read a column from the Chicago Tribune pertinent to other matters under discussion presently in the Senate?

I understand he has about 45 minutes remaining on this issue before we go to the Durenberger amendment. I wonder whether I might occupy a very brief period of time, probably not in excess of 5 or 6 minutes?

Mr. HATCH. I would be glad to do that. I do need to reserve some of our time because other Senators want to come and speak and I have some more things I would like to say.

But I am happy to yield 5 minutes to the Senator from Illinois.

Mr. DIXON. I thank the Senator.

Mr. President, may I ask for the yeas and nays on the pending Bond-Ford-Coats amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. HATCH. Parliamentary inquiry, Mr. President: Is it not true that the yeas and nays were already ordered by the unanimous-consent agreement on all three amendments?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. DIXON. May I ask again, Mr. President, for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DIXON. I thank my colleagues and I thank the Chair.

First of all, very briefly, on the Bond-Ford-Coats amendment, may I simply say, Mr. President, that I am pleased that the sponsors and others involved in this have accommodated many of us who had some basic concerns about this bill. I urge my colleagues to understand that this amendment makes major revisions in this bill which are very important.

I would like to just give you one example. I come from an era when every youngster worked during his youth while going to school, because I am a child of the Depression. And in those days, one had to work to help support the family. I can recall all through junior high school and high school working 2 hours after school every day of the week, 8 hours on Saturdays, and if you will do your simple math, that is 2 times 5 is 10, and 8 on Saturday is 18.

In the original bill, Mr. President, my colleagues suggested that a person would be eligible for leave benefits if one worked 17 hours a week. I expressed my concern earlier to the distinguished principal sponsor, Senator DODD, who everyone acknowledges has worked assiduously on this for many years. I said those folks ought not be eligible. And, of course, we all know now that in this present amendment, it restricts employee eligibility to those who have worked 1,250 hours in the prior year, which is 25 hours per week. Now we are getting into a legitimate part-time employee, I would argue, Mr. President. I think that is very worthwhile.

One of the other significant provisions of this substitute will permit employers to exempt key employees, the highest paid 10 percent of the work force, from the total when you enter into the mathematics involved. Another provision requires the employee to give 30 days notice. Those are fundamentally sound improvements in this bill.

And on the time of my friend from Utah, I would observe that all of those things in the Bond-Ford-Coats compromise are well thought out amendments that significantly strengthen this bill and make it a more acceptable bill for a great many people who had concerns about it.

Having said all that, on the bill, Mr. President, I ask unanimous consent to depart from the bill to talk about another subject matter very briefly and read a column from the Chicago Tribune which will take only a few minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXTENSION OF UNEMPLOYMENT COMPENSATION BENEFITS

Mr. DIXON. Mr. President, for some period of time now, we have been discussing the question of extending unemployment compensation benefits. That has been a big issue for a period of time in the Congress. It was before us prior to our August work break. I discussed it at town hall meetings, on talk shows and other things while I was home.

Now we have passed another bill, Mr. President, which is going to the President's desk. We will all remember that the President signed the first bill, but he did not certify that it was a national emergency, so folks did not get the money in the extension of the unemployment compensation benefits.

We have now passed a bill that declares it an emergency and the concern is, will the President sign or veto?

Everybody in the country is aware of the issue because it has been the lead item in all the media, that the House has passed this bill by a vetoproof majority. And everybody in the country knows that the Senate passed it, I think, with 65 votes, a couple short of a vetoproof majority.

So the question now, Mr. President, is, what will the President do? I would hope he signs it. But if he does not, what will the Congress do? I hope, Mr. President, that in this kinder and gentler Nation there would be some people that would want to join us to override, if the President does veto.

I want to read this article from the Chicago Tribune, the Sunday paper, this past week, September 29, by John McCarron, the financial editor of the Chicago Tribune. I read from that article verbatim. The title is, "Talk of Rebound Cheap to Jobless."

Here is what John McCarron says:

> It happened to Hal, my father-in-law. Then to Wally, my golf partner.

The PRESIDING OFFICER (Mr. WELLSTONE). The time of the Senator has expired.

Mr. DIXON. I did not have an assignment of time, may I say to the President. I had unanimous consent to read the column and was not informed I had a time limitation.

I ask unanimous consent to read a column, that is one column in the Chicago Tribune.

The PRESIDING OFFICER. With time not charged to either side? It is the Chair's understanding the Senator from Utah had yielded 5 minutes to the Senator from Illinois.

Mr. DIXON. I apologize to my colleague. I did not hear the time yielded. I had spoken on the subject of the amendment.

If my distinguished colleague does not want to yield time, I will find whatever time there is in the day.

Mr. HATCH. Why do I not yield another 2 minutes. Can the Senator do it in that time?

Mr. DIXON. In all fairness to my colleague who is a dear friend and old trial lawyer in his own right, I must tell him I cannot read this column in 2 minutes, and I sure am going to read the column sometime today. But if he cannot yield the time now, I appreciate the fact. Do not be embarrassed. I do not want to impose on my colleague. I can do it later.

Mr. HATCH. I can yield a couple of minutes, but I have to save some time for others who wish to speak, and I want to speak, and I have to keep some of this time on this amendment because we are running out of time on the back end of this debate.

Mr. DIXON. May I say to my friend from Utah, I will be glad to come back and do this, but I want to have the impact of this column on the President of the United States and my colleagues in the Senate on a matter that is of paramount importance to the country. If I cannot do it now, I want to use it at a later time. I have no problem not doing it now.

Mr. HATCH. I would ask my colleague to do it at a later time, if he could.

Mr. DIXON. Does my friend, Senator DODD, have any more time on the

Hatch amendment, may I inquire of the Chair?

The PRESIDING OFFICER. On the Hatch amendment, the Senator from Connecticut does have time; 51 minutes.

Mr. DIXON. Well, I can return at that time.

Mr. HATCH. How much time does the distinguished Senator need?

Mr. DIXON. May I say to my friend from Utah, here is the column in the Tribune. I am going to read it at a fairly speedy rate. I do not know how long that takes because I did not do it before I got here.

Mr. HATCH. I have some time on the back end of this. We have 2 hours on my amendment. Why do I not give my colleague 5 minutes on the 2 hours.

Mr. DIXON. My colleague is very generous. I thank him.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DIXON. "Talk of Rebound Cheap to Jobless," John McCarron says from the Tribune.

It happened to Hal, my father-in-law. Then to Wally, my golf partner. Now it's happening every week to thousands of workers, blue collar and white, from New York to L.A.

They are being laid off, furloughed, forced into early retirement or just plain fired. And if the economy doesn't turn around soon, "they" will include a lot of "us".

Get ready for the ugly side of Recession '91. For more than a year, sales have been off and corporate profits have been down. Companies have responded by tightening inventories, slashing budgets for travel and equipment and freezing new hires. Until now, this has caused most of us only minor discomfort; I miss the rent-a-plants that used to decorate the newsroom, but I haven't missed a paycheck.

But now, as the recession drags into a fourth quarter, corporate America is reaching for stronger medicine. Call it consolidation or downsizing or whatever you please. Everywhere you look—in the newspaper columns or down the hall—somebody is being laid off or prodded into retirement.

Last week it happened at Ameritech, where 3,000 managers soon will be enticed into hanging it up, and at Union Carbide, where 5,500 employees will be cut in the next three years.

This month the bell tolled for 2,200 workers at Du Pont, 1,800 at PepsiCo's Frito-Lay division, 1,900 at Nynex, 350 at Emerson Radio and 1,000 at First Chicago Corp.

One analyst who tracks public announcements of layoffs figures that corporate America is laying off employees at the rate of 2,200 every business day. And that doesn't include those fired from "ma-and-pa" operations. The broader picture was provided by the Labor Department Thursday. It said that in the week ended Sept. 14, 439,000 Americans claimed unemployment benefits for the first time.

I'm no economist, but I think it's safe to say that layoffs of this magnitude do not bode well for an economic recovery anytime soon.

People who have just lost their jobs are not likely to head for a shopping mall. They are more apt to hunker over the kitchen table, where they can pore over help-wanted ads and figure a way to stretch their $270-a-week unemployment benefit across the mortgage note, utility bill and grocery tab.

When those benefits run out, in 26 weeks, the fortunate among the unfortunates will draw down on saving accounts, break into their individual retirement accounts or redeem their children's college bonds. That's pain.

Congress wants to extend unemployment benefits by 20 weeks. A $6.1 billion extension passed the Senate last week and is being reconciled with a similar measure that had cleared the House.

But President Bush has threatened to veto the package as too expensive. He favors a $2.4 billion plan that would extend benefits by only 10 weeks and whose cost would be defrayed by the sale of unused radio frequencies and the tightening of student loan repayments.

Both extension plans would be temporary, ending when the recession does. But when will it end? The administration claims that it bottomed out in May and that a slow but steady recovery is underway.

That view got splattered last week when the Commerce Department again revised downward its estimate of what the economy did in the April-to-June period. The gross national product fell for a third quarter in a row, shrinking at an annual rate of 0.5 percent.

In other words, the economy is dead in the water, drifting slightly backwards. That puts enormous pressure on George Bush; as the 1992 election approaches, he has to get things moving. Trouble is, the usual pick-me-ups don't seem to be working.

The administration has helped pressure the Federal Reserve into lowering and re-lowering the discount rate, now down to 5 percent, the lowest level in 18 years. But it turns out that neither the banks nor their customers are in a position to do much borrowing. Some experts predict there will be another rate cut by year-end, but what if even cheaper money fails to get things moving?

One thing you can expect the president to do is redouble his campaign to lower federal taxes on capital gains. Bush will argue that investors will pump their higher returns into the economy, creating jobs. But lowering taxes on the well-to-do may not play well around all those kitchen tables.

To score points there, the president may have to give some ground on the extension of unemployment benefits. George Herbert Walker Bush may not know anybody who has been laid off, but he reads the papers, and 2,200 layoffs a day is nothing to sneeze at.

Not when you consider that every one of the newly unemployed has dozens of friends, family members and fellow workers who share their pain. Or worry that they may be next.

Mr. President, I conclude—

When my father-in-law was forced into retirement last year, it really wasn't so bad. He got a good severance package and precious time to spend with his grandchildren. Wally got a good retirement deal, too, and has since trimmed seven strokes from his golf game.

He concludes, the last paragraph, Mr. President:

You worry, though about the younger ones not ready to retire. Such as Olivia, our newsroom receptionist. Friday was her last day. I hope she catches on someplace else or at least gets her benefits extended.

Mr. President, this is a column about America. This is a column about hundreds of thousands, millions of people who had work, lost work, are looking for work, cannot get work and need the help of the Government.

Mr. President, I ask unanimous consent that this column from the Tribune be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TALK OF REBOUND CHEAP TO JOBLESS

(By John McCarron)

It happened to Hal, my father-in-law. Then to Wally, my golf partner. Now it's happening every week to thousands of workers, blue collar and white, from New York to L.A.

They are being laid off, furloughed, forced into early retirement or just plain fired. And if the economy doesn't turn around soon, "they" will include a lot of "us."

Get ready for the ugly side of Recession '91. For more than a year, sales have been off and corporate profits have been down. Companies have responded by tightening inventories, slashing budgets for travel and equipment and freezing new hires. Until now, this has caused most of us only minor discomfort; I miss the rent-a-plants that used to decorate the newsroom, but I haven't missed a paycheck.

But now, as the recession drags into a fourth quarter, corporate America is reaching for stronger medicine. Call it consolidation or downsizing or whatever you please. Everywhere you look—in the newspaper columns or down the hall—somebody is being laid off or prodded into retirement.

Last week it happened at Ameritech, where 3,000 managers soon will be enticed into hanging it up, and at Union Carbide, where 5,500 employees will be cut in the next three years.

This month the bell tolled for 2,200 workers at Du Pont, 1,800 at PepsiCo's Frito-Lay division, 1,900 at Nynex, 350 at Emerson Radio and 1,000 at First Chicago Corp.

One analyst who tracks public announcements of layoffs figures that corporate America is laying off employees at the rate of 2,200 every business day. And that doesn't include those fired from "ma-and-pa" operations. The broader picture was provided by the Labor Department Thursday. It said that in the week ended Sept. 14, 439,000 Americans claimed unemployment benefits for the first time.

I'm no economist, but I think it's safe to say that layoffs of this magnitude do not bode well for an economic recovery anytime soon.

People who have just lost their jobs are not likely to head for a shopping mall. They are more apt to hunker over the kitchen table, where they can pore over help-wanted ads and figure a way to stretch their $270-a-week unemployment benefit across the mortgage note, utility bill and grocery tab.

When those benefits run out, in 26 weeks, the fortunate among the unfortunates will draw down on savings accounts, break into their individual retirement accounts or redeem their children's college bonds. That's pain.

Congress wants to extend unemployment benefits by 20 weeks. A $6.1 billion extension passed the Senate last week and is being reconciled with a similar measure that had cleared the House.

But President Bush has threatened to veto the package as too expensive. He favors a $2.4 billion plan that would extend benefits by only 10 weeks and whose cost would be defrayed by the sale of unused radio frequencies and the tightening of student loan repayments.

Both extension plans would be temporary, ending when the recession does. But when will it end? The administration claims that it bottomed out in May and that a slow but steady recovery is underway.

That view got splattered last week when the Commerce Department again revised downward its estimate of what the economy did in the April-to-June period. The gross national product fell for a third quarter in a row, shrinking at an annual rate of 0.5 percent.

In other words, the economy is dead in the water, drifting slightly backwards. That puts enormous pressure on George Bush; as the 1992 election approaches, he has to get things moving. Trouble is, the usual pick-me-ups don't seem to be working.

The administration has helped pressure the Federal Reserve into lowering and re-lowering the discount rate, now down to 5 percent, the lowest level in 18 years. But it turns out that neither the banks nor their customers are in a position to do much borrowing. Some experts predict there will be another rate cut by year-end, but what if even cheaper money fails to get things moving?

One thing you can expect the president to do is redouble his campaign to lower federal taxes on capital gains. Bush will argue that investors will pump their higher returns into the economy, creating jobs. But lowering taxes on the well-to-do may not play well around all those kitchen tables.

To score points there, the president may have to give some ground on the extension of unemployment benefits. George Herbert Walker Bush may not know anybody who has been laid off, but he reads the papers, and 2,200 layoffs a day is nothing to sneeze at.

Not when you consider that every one of the newly unemployed has dozens of friends, family members and fellow workers who share their pain. Or worry that they may be next.

When my father-in-law was forced into retirement last year, it really wasn't so bad. He got a good severance package and precious time to spend with his grandchildren. Wally got a good retirement deal, too, and has since trimmed seven strokes from his golf game.

You worry, though, about the younger ones not ready to retire. Such as Olivia, our newsroom receptionist. Friday was her last day. I hope she catches on someplace else or at least gets her benefits extended.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Utah has 44 minutes remaining.

The Senator from Utah.

FAMILY AND MEDICAL LEAVE ACT

The Senate continued with the consideration of the bill.

Mr. HATCH. Mr. President, I am going to take some of this time to remark a little bit about the pending Dodd-Bond amendment. Then I am going to take some time to analyze my amendment because time will be available at the end of the day.

Mr. President, I ask unanimous consent that a letter from President Bush to Senator DOLE be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 1, 1991.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR BOB: As the Senate moves toward consideration of S. 5, the Family and Medical Leave Act, I want to reiterate my position on this issue. I strongly support the goal of encouraging family leave policies through voluntary negotiations between employers and employees. However, it is both inappropriate and counterproductive for the Federal Government to mandate blanket fringe benefit packages that treat all employees the same and benefit one employee perhaps at the expense of another. Workers and managers should have the freedom to sit down together and develop a benefit package that best meets their specific needs.

America faces its toughest competition in history. We must maintain the flexibility to meet these challenges directly in the most competitive way. At the same time, we must promote an environment of cooperation in which workers and managers together strive for their greatest productivity. We should not impose additional burdens and restrictions on employers and employees, particularly at this crucial time.

Accordingly, should S. 5 or any other mandated leave legislation be presented to me, I will veto it.

Sincerely,

GEORGE BUSH.

That is as clear as can be. The President is going to veto this legislation. And I presume he will even though it is a discriminatory bill that benefits the more well-to-do and leaves the poor out of the equation.

Mr. President, during the debate today, I have tried my best to convince my colleagues to oppose the Family Medical Leave Act and or instead, support the American Family Protection Act.

But first, let me reiterate that no one on this side of the aisle, and not the President of the United States, opposes the concept of family leave. No one does. We do not differ with the Senator from Connecticut on the concept of family leave except with regard to the mandated nature of his bill. Again, where we disagree is on the method that has been chosen to promote family leave, not the motive.

The legislation before us calls for a mandated one-size-fits-all benefit. Except it does not fit everyone. One size fits only 50 percent of the workers of America and leaves the bottom half of the pay scale out of the equation. It discriminates against them. I have made that case earlier.

I have elaborated on the reasons why I believe this measure should not pass. Let me just summarize those arguments.

We can argue all day long about cost estimates, but the plain fact is that the proposal is not free. To comply with this bill, employers must make adjustments in the benefits they offer workers. They must continue to pay benefits for employees who are not working. This obviously incurs a cost. As a result, workers may not get the compensation packages they actually prefer because Government has not only required a family leave benefit, but a family leave benefit that measures up to a Federal standard.

So, Mr. President, the first reason Senators should not support the Dodd-Bond bill is because it is not only a mandate on employers, it is a mandate on workers as well, and a discriminatory mandate at that.

The second reason, Mr. President, is that all of this cost shifting is not good for the economy as a whole. Employers must be free of the same kind of rigidities that have plagued the economies of many nations in Europe, especially the East bloc nations. Every new requirement we impose on business renders American industry less able to adapt to changing economic conditions. We then become even less competitive.

Finally, S. 5, with or without the Dodd-Bond amendment, is not the only possible answer to the problems confronting families. There is an alternative. I believe the American Family Protection Act, which I will offer as an amendment to this bill, offers advantages to families that S. 5 does not. It does so in a way that permits maximum flexibility and choice for both employers and workers, and it applies to everybody in America, not just a selected few who can afford to take the family medical leave.

Let me review my personal concerns which fall into four categories: First, federally mandated benefits of this type are by nature rigid and inflexible. The ability of working parents to freely choose is strangled, and this runs counter to the modern trend of cafeteria style benefits for employees. Cafeteria benefits are benefits laid out on the table that the employee can choose among. The Dodd-Bond bill would run counter to this trend. It says that you have to take this benefit to the exclusion of some of these others.

Second, this legislation is discriminatory in impact. It is not what the vast majority of employees want; yet will have to pay for. Moreover, those most in need of the family protections intended under this particular bill will suffer because of its passage.

Third, at a time when economic recovery ought to be the central concern of this Nation, the facts clearly indicate this bill would have negative economic impacts.

Fourth, the bill is simply ineffective. It establishes three critical objectives: First, to promote bonding between parents and children; second, to enable parents to spend time with seriously ill children in their time of need; and third, to enable workers to provide care for elderly parents who need continuous care in time of need.

Regrettably, this bill does not satisfy these purposes. It falls short and it is, therefore, ineffective.

Shortly, I will send a substitute amendment to the desk. I call it the parental options amendment. But let me clarify just a few points before I do.

First of all, let me clarify why many refer to this as a yuppie bill. If an individual earns $20,000 a year, the opportunity cost of forgoing income for a period of time is less than if the individual earns, say, $100,000 a year. This is because the loss of income is, for lower incomes, offset at least in part by savings in work-related expenses: Child care, nursing care, commuting, et cetera, and in lower taxes. So the cost of staying out of the work force for a period of time is less than the income that would have been earned.

If the leave period is limited to 12 weeks, the individual cannot reap significant cost savings. The family still has to have child care after 12 weeks, get to work, buy lunches, so forth. It is much more likely that 12 weeks' leave will equate to a 12-weeks loss of income.

These work-related costs take a larger percentage of the income of lower- and middle-income workers than for upper-income workers who will benefit from this bill. They are the only ones who are going to benefit from this bill. Therefore, families with only 12 weeks cannot really benefit from the Dodd-Bond approach. Yet, they may benefit from the Hatch alternative approach.

Under the alternative, they can make their own budget calculations and decide how much leave to take. They can take 1 month or 6 years for parental leave. It is up to them. They can do anything in between. They can take the exact time they need. They can adjust it to their budget. They can make a determination what to do and how to do it.

Let me give an example. Let us say the Smiths had a baby. Mrs. Smith works as a secretary for $18,000 a year. She would like to stay home until her child is old enough for preschool but is concerned that she will lose her seniority at work. She has also worked long enough for this company to be vested in the pension plan.

After doing the arithmetic, the Smiths have figured that after savings from lower taxes, which can be estimated at about $3,000, including FICA taxes, work expenses and not having to pay nearly $7,200 for child care, that the real cost of Mrs. Smith's extended leave is in the neighborhood of $7,000. The Smiths may decide to forego a new car and allow Mrs. Smith to stay home. The Smiths get to choose for how long they make the decision. When she wants to return to work, she has the right of preferential rehire and the retention of all of her earned benefits, including seniority, that had accrued up to that time.

Now, Mr. President, let me follow-up by taking just a few minutes to share some of the comments which appeared in the media recently on this issue. Some of this information is, in my opinion, very instructive. For instance, in the September 20 Washington Times an editorial entitled "Welfare for the Yuppie Class" reads:

No sooner had the House voted a 20-week extension of unemployment benefits than Democrats and moderate Republicans in the Senate made their move to resurrect a "family and medical leave" law that would force American businesses to give their workers 12 weeks off without pay, but with continued health benefits. This may be one of the few instances in recent history where Congress has demonstrated an understanding of the law of supply and demand: The House created a demand for unemployed people, the Senate moved to fill it.

The editorial continues:

The law would transfer wealth from working mothers and fathers who can't afford to take 3 months off to "career" women and dilettante yuppie men who can.

I hate to say it, but that editorial hits the nail right on the head.

I also have to point out that the Senator from Connecticut said that this amendment responds to the legitimate concerns of business. I just want to make sure there is no confusion here certainly about business' position on this issue.

Almost uniformly, business strongly opposes this bill. I have a number of letters from business people in Utah, some of which I have culled out to give today. I have here letters from almost every business group in opposition to this bill. For instance, let me read from the letter from the National Federation of Independent Business, which is the Nation's foremost advocate for small business.

I ask unanimous consent that the letter in full be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Washington, DC, September 20, 1991.

Hon. DAVID L. BOREN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOREN: Senator Bond's substitute amendment to Senator Dodd's Family and Medical Leave Act, S. 5, fails to correct the fatal flaw of mandated leave—the mandate.

The Bond substitute succeeds only in making personnel leave policies more impersonal and bureaucratic. It encourages direct intervention of government into highly personal family matters and ensures the complete loss of privacy for an employee.

The Bond substitute still mandates a 12 week unpaid leave policy for all employers with 50 or more employees. It refines the definition of serious health condition and reduces damages against an employer for violation of the act from triple damages to double damages.

It is obvious from this substitute that proponents still do not understand small businesses' fundamental opposition to mandated leave. The substitute now not only invites the government into business management, but sets up the medical profession as the final arbitrator of what functions are necessary for every employee's position within a business. This substitute is a frontal attack on the way small business does business.

This bill simply misses the point—neither business owners nor employees want the federal government dictating employee benefits. A recent Gallup survey conducted for NFIB showed 94 percent of small businesses already providing family leave. In addition, a Penn-Schoen survey found 89 percent of workers prefer to negotiate benefits directly with their employer.

A soon-to-be-released report by W. Steven Barnett, Associate Professor, Rutgers University and Gerald Musgrave, President, Economics America entitled "The Economic Impact of Mandated Family Leave Legislation" aptly characterizes the view held by proponents regarding government mandates. The report notes the argument that mandated leave will save business' money is a ". . . novel economic theory that business not only does not know what is in its best interest, but cannot be counted on to maximize profits even when told how to do so."

Unfortunately, the Bond substitute makes not only the application for leave, but the granting of leave and the return from leave a legal minefield for both the employer and the employee. It creates exemptions and opportunities for challenge by either party at every stage of the process.

Small business owners continue to oppose any effort by Congress to interject the federal government into employee benefits and will adamantly oppose the Bond substitute.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

Mr. HATCH. Mr. President, let me just read a paragraph or two. It says:

It is obvious from this substitute—

Meaning the Dodd-Bond substitute—

that proponents still do not understand small businesses' fundamental opposition to mandated leave. The substitute now not only invites the Government into business management, but sets up the medical profession as the final arbitrator of what functions are necessary for every employee's position within a business. This substitute is a frontal attack on the way small business does business.

This bill simply misses the point—neither business owners nor employees want the Federal Government dictating employee benefits.

That is from the NFIB. There is no question that they represent the vast majority of small business people in this country, and do a very good job. There are other letters.

I ask unanimous consent that all these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JONES/RICHARDS & ASSOCIATES,
Ogden, UT, March 20, 1989.

Re: Parental leave and other mandated benefits

Senator ORRIN G. HATCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATCH: I am angry! I hope you will get angry too!

Why does the Congress of this Nation feel that they must continually tell businessmen how to run their business.

Choice and the selection of employee benefits to be offered is one of the few ways a

small business can compete against major businesses. If this choice is taken away from small business it will be one more stumbling block leading to the demise of effective small business in America.

The concept of parental leave as expressed in the bills currently before the Congress is anathema to effective management principals. If key people are to be absent from our business for 10 to 13 weeks, how are we expected to keep our business operating. By the time a replacement is trained he or she are no longer needed and all the cost and disruption of the interim period is wasted. Even though the parental leave is proposed as unpaid leave, the cost to business will be horrendous.

Please!, please! take the strongest stand you can against this legislation.

Yours truly

KENNETH W. JONES, A.I.A.,
President.

INTERMOUNTAIN WEST
MANAGEMENT CORP.,
American Fork, UT, March 17, 1989.

Senator ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: This issue of mandated parental leave has been brought to my attention by NFIB. They are right! This measure, if enacted, would be a gross disservice to all Americans. Sure it appeals to the wage earner, to those who become more and more addicted to the "free lunch" trap. I say, let us not be lured by these seeming "good for the family" enticements. Rather, let us examine the more far reaching impacts this measure could have on our economic system. After all, doesn't the consumer ultimately pay for these increased costs of doing business?

Mandated parental leave is a mistake. Vote No!

Cordially,

TIM H. MORRIS.

CHALLENGER SCHOOLS,
Orem, UT, March 15, 1989.

Senator ORRIN G. HATCH,
U.S. Senate, Washington, DC.

SENATOR HATCH: It is so critical now to help our economy thrive—with the enormous federal debt, the low Gross National Product, and the Trade Deficit so huge. It is a time to help small and large businesses flourish, because they are the very breath of our nation!

House Bill 770 and Senate Bill S. 345 will kill our company! We simply cannot afford such extravagance. Soon we will have to just say, "Oh, to heck with working hard—let's just join the rest of the government bureaucrats, workers, and welfare recipients—it's just too hard to try to keep a business thriving and growing."

You know, some people think owning a business is just "trying to get rich." Let me tell you, it means bleeding—sweating—and worrying—night, day, vacations, weekends, and while sitting on the can! But we do it because we like to produce!

Rather than kill us and our productive spirit, why doesn't Congress do something like making tax breaks or deductibles so that we can afford to do more for our employees? Take a peek at the methods that Japan is using to help it's industries and employers. Yes, we want to take care of our company and our fellow employees, but if someone does not start thinking about the employers, there won't be any of us left to produce and create jobs for people!

Parents can only pay a finite amount for child care and education—it is so critical that you vote against this bill. Please—save America and its lifeblood. These bills will kill us and our nation's business incentive!

Urgently!

BARBARA B. BAKER.

FOREST PRODUCTS SALES,
Murray, UT, March 17, 1989.

Senator ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: After reviewing Senate bill 345, I am concerned about the effect this bill will have on small businesses. I feel we already carry a heavy burden of government involvement. Some of these things are for the good of everyone, some are not. In an ever shrinking world, where competition is increasing, small businesses do not need another shackle around our ankles. This bill I am sure would actually put a lot of small businesses out of business. Utopia is a noble desire, but the real world must take precedence. I just want to register with you my feelings on this matter.

Sincerely yours,

THOMAS E. BUTTERFIELD,
President.

BRIGHAM CITY, UT, *March 16, 1989.*

DEAR SENATOR ORRIN G. HATCH: I am opposed to mandated employee leaves. It is just one more attempt to force small business out of business. I was too young to fight the Germans, Japanese, and Koreans, and I wasn't called to fight the Vietnamese. But now I have to fight daily for my freedom. In the scriptures it says we will have to fight to preseve our freedoms, but I never dreamed that I would be fighting my own government. It is just like we have fought and lost a war with a socialistic power, and we are now being subjected to all of the socialistic policies. Every year I have less freedom than the year before because of new government laws that take my freedoms away.

I am a dentist. When I applied and was accepted to Northwestern University Dental School you had to have excellent grades and references. for the 120 openings in the freshman class there were as many as 5000 applicants. Now Northwestern has reduced its class size to just 50 openings and has a hard time finding even that many qualified applicants. Some dental schools in the U.S. are taking applicants whom you wouldn't have work on your dishwasher, let alone your body.

What I'm getting at is that the government has passed so many laws and regulations that no one with talent wants to subject themselves to the governmental abuse. Qualified young people are looking to jobs or positions where they don't have to put up with all of the new mandated socialism. I can write each day about some new bill that is again trying to remove our freedom, that I'm opposed to, but that is fighting a losing battle.

Please use your power and authority to make government our friend and not an enemy we have to fight. Please don't let the United States become a socialistic power, because we all know that leads to failure.

Sincerely,

MICHAEL E. ALLEN, *D.D.S.*

BLANDING, UT, *March 15, 1989.*

Senator ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: Very simply put, those of us in the small-business sector cannot in any way afford the mandated parental leave. Please do all that you can to defeat this bill.

Thank you,

STAN HURST,
Treasurer.

SWIM FINANCIAL CORP.,
Orem, UT, March 15, 1989.

Hon. ORRIN HATCH,
Senate Russell Building, Washington, DC.

DEAR SENATOR HATCH: I recently caught wind of a piece of legislation now pending before Congress which, if enacted, will require employers to give parental leave to their employees. (H.R. 770, S45.) As a small business owner as well as being a partner in several other small businesses, I find this legislation to be appalling. I view it as a direct intrusion by the Federal Government into the free market by mandating certain fringe benefits whether or not it is desired or in the best interest of employer or employee.

As one takes a serious look at the widening gap between the cost of an employee to an employer (including various FICA taxes, unemployment compensation, workers compensation and other compulsory benefits) versus what the employee himself actually receives after he pays his share of FICA and taxes, we can see that this gulf between cost of employer versus income to the employee becomes a very real hindrance in working out mutually satisfactory relationships with employees. It seems such things as medical benefits and the type of parental leave as is suggested in the pending legislation should be a subject of free, uninhibited negotiation between the employees and their employer. This type of federal intrusion into the free market will see no limit unless the principle is really discussed as to what role does a government have into mandating certain relationships between employer and employee.

This legislation smacks of an organized labor effort to force upon all employers by legislative fiat what could not be gained in the free market place by negotiation. This type of legislation is coercive by nature and totally contrary to the provisions of our constitutional free society. I ask your help in defeating this legislation, not just in amending it, but in defeating it as the principle upon which it is based is entirely wrong.

Sincerely,

GAYLORD K. SWIM.

DAYWEST ENTERPRISES, INC.,
Ogden, UT, March 21, 1989.

Senator ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: The proposals before Congress to mandate parental leave (H.R. 770 & S. 345) would be a major disaster for my company if enacted into law. We are in the Long Term Care business, employing 130 people, most of whom are young women still in their childbearing years, and mostly non professionals.

This legislation would create a serious financial problem for us because we would have large numbers of employees on parental leave with the company paying the cost of health insurance while they are gone.

And there is no possible way we can hold a job for parental leave by keeping a position empty; we must hire new staff for periods of extended leave. What are we suppose to do fire an existing employee when the one on leave returns? How fair is that to the person you just hired?

We cannot afford health insurance as it is. CORBA and section 89 have only compounded the problem. If this legislation also passes, we would most likely discontinue offering

health insurance entirely. This law would also make it more difficult for us to recruit new employees because they would be afraid of being fired after 10 weeks when someone comes back from parental leave.

There is absolutely no need for government to get involved in this issue anyway. Our employees who leave for maternity reasons are always able to find good jobs when they are ready to return to work, even though it may not be with the same company.

This is not a "family issue" at all, but just another unwarranted government intrusion into free enterprise that will create more problems than it will ever resolve.

Please vote against it.

Sincerely,

L. ALLEN DAY,
Daywest Enterprises, Inc.

MACA SUPPLY CO.,
Springville, UT, March 14, 1989.

Senator ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: This letter is being written as an official protest against the legislation contained in Senate Bill S. 345.

Maca Supply is a small business employing approximately 50 persons and we strongly oppose the mandated parental leave legislation for the following reasons:

When we hire an individual we have a specific need for that person in the organization. We expect him to be in attendence during every regular work shift. If we hadn't needed him we wouldn't have hired him. It is not that we are against employees having time off, but we feel we should have the final say as to the justification of the time off.

Our production depends upon the person being on the job during every shift. We don't have the funds to have a back-up for every person in the plant.

A person's regular attendance is expected and any unscheduled time off is detrimental to our production.

Finally we are opposed because we strongly feel that further government control will only stifle business activity. We also feel that the decisions governing leave of absent should be left in the hands of the people who foot the bill, and not in the hands of a governmental regulatory agency.

If past legislation of this type is any indication of what to expect, it is almost certain that this is only the beginning, and future regulations will most assuredly follow.

Please be mindful of the free enterprise system and the fact that federal regulations generally confuse, and only lead to further regulations. Loopholes will certainly be found, and with these loopholes, gigantic concessions will have to be made by the small business community.

Consider this letter an official protest, and a concerned expression of our firm and continued opposition to this type of legislation.

Sincerely yours,

KENT LARSEN,
Manager.

PETERSON COMPANY-UTAH,
Salt Lake City, UT, March 10, 1989.

Senator ORRIN HATCH,
U.S. Senate, Washington, DC:

The provisions of the mandated parental leave legislation would be a disaster to small business. There is no way we could survive 20–23 weeks leave as proposed by House Bill HR770 or Senate Bill S–345. As a matter of fact I don't see how large businesses could survive unless these provisions.

I am utterly dismayed that representatives of the people could possibly propose such legislation and hope our Utah delegation will take the lead in its defeat.

Respectfully,

RAY H. COOK,
Ex-Vice President, Peterson Co.-Utah.

WANGSGAARD HEATING
& APPLIANCE CO.,
Logan, UT.

DEAR ORRIN: As a small business owner, I am flabbergasted at even the thought of mandated parental leave (S45).

At a time when we are being asked to get more productivity out of our employees, some of Congress seems to be right there to kick us in the teeth. I think these people need a mandated leave of absence to get back in touch with reality.

Yours truly,

BRENT WANGSGAARD,
President.

K-C MANUFACTURING
& SALES, INC.,
Pleasant Grove, UT, March 13, 1989.

You are forcing employers to hire older and in perfect physical shape employees.

That will put young families (who need work to feed children) and older individuals who's health may be questionable, in welfare lines.

You'll be putting another group in poverty, congratulations!

Another step in making us less competitive in the world and closer in bankrupting our country.

KEVEN WILSON.

BLAKE ELECTRIC CO.,
Richfield, UT, March 13, 1989.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I am writing concerning a bill that has been brought to our attention by the National Federation of Independent Business. The bill S. 345 seems to be completely out of reason in relation to small business as it would create hardships, personnel not on the job, as well not completing work done that is needed on a daily basis.

This bill could drasticly reduce production activity, which would reduce output, potential growth, stop production, and would be a loss to revenue on City, County, State, and National levels.

I hope you will do all you can to defeat these bills. We appreciate your support and good voting record in the past.

Sincerely,

GLEN BLAKE,
Blake Electric Co.

BEAZER ENGINEERING,
Logan, UT, March 14, 1989.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: In our business we have no way to absorb or pass on the increased costs that the Parental Leave legislation would impose on us. We ask you to vote against this measure

Sincerely,

ALBERT BEAZER.

MENDENHALL CONSULTING ENGINEERS,
South West Jordan, UT, March 14, 1989.

Senator ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I am writing to express my opposition to Senate Bill (S. 345) mandating parental leave.

This bill is not in the best interest of small businessmen in the State of Utah. My company is a service company, when employees are not here and not producing we lose money. If I were required to give 10 weeks leave to someone I would have to close the doors, declaring bankruptcy.

Larger service companies that I have worked for in the state would just increase their fees to cover the costs of the leaves. Their higher fees are already making many larger companies non-competitive in the Utah market.

Please vote against this bill.

Thank you.

Sincerely,

GREG B. MENDENHALL, P.E.

MID-STATE CONSULTANTS, INC.,
Springville UT, March 14, 1989.

Senator ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I am writing to voice my opposition to the proposed legislation regarding parental leave. In a small company, when a key employee takes an extended leave it is difficult if not impossible to hire a competent temporary replacement. Also, the cost of providing health insurance to an absent employee as current premiums would be substantial.

Although the rights of workers do need to be considered, in this case the government seems to be going a step too far. Each individual situation should be evaluated by the employer as well as the employee, and not mandated by law.

Sincerely,

TERRY D. BROWN,
President.

GREEN & SONS AGENCY,
Ogden, UT, March 14, 1989.

Senator ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: My letter concerns Senate bill (S. 345) mandated parental leave, which I strongly oppose. As a small business owner; if this bill went into law I am sure we, as well as other business owners, would have no choice but to reduce the number of employees because of additional inconvenience and expense.

The bill's sponsors, I am sure, want to move quickly to put it to a vote this time around in hopes to "sneak" this bill through. It would only be one more move toward ruination of small business.

I urge you to do everything possible to kill this bill in its tracks.

Sincerely,

WAYNE H. GREEN,
President.

Alexandria, VA, September 20, 1991.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the 25,000 members of the Printing Industries of America (PIA) and the Graphic Arts Legislative Council, I urge you to oppose S. 5, the Family and Medical Leave Act of 1991.

Our members value flexibility in providing employee benefit packages which are tailored for their workforce. Employers in the graphic arts industry use this flexibility to respond to the changing needs of today's workforce. S. 5 eliminates flexibility and throws an unnecessary burden upon businesses. Recent polls such as one conducted by the Employee Benefits Research Institute have shown that American workers do not rate family and medical leave as a preferred benefit. Thus, a government mandate is unwarranted.

In addition, our European neighbors have shown as that big government does not bene-

fit the national economy. While supporters of S. 5 continue to point to the experiences of European countries with mandated benefits, these same countries continue to explore ways to remove the shackles to their economies caused by inflexible employee benefit and labor market policies. The deterioriation of Eastern European governments spilling over to Western European countries such as Sweden shows that big government does not work. Sweden is a prime example of a welfare state which has failed. In contrast, our nation's reliance upon the marketplace as the best mechanism for determining good employee benefit packages has and continues to work.

As the nation struggles to bounce back from the recession and strengthen its economy, government mandates in legislation such as S. 5 will only hinder the process and hurt our nation. For the businesses and workforce in your state as well as the nation, say no to mandated benefits and oppose S. 5, the Family and Medical Leave Act of 1991.

Sincerely,

BENJAMIN Y. COOPER,
Senior Vice President, Government Affairs, Printing Industries of America.

Mr. HATCH. Mr. President, I am sure these letters are typical of the concerns other Senators have heard. I underscore the fact that the vote, I am told by the National Federation of Independent Business, will be a key small business vote.

This first, from a construction company in Logan, Ut:

DEAR SENATOR HATCH; I am concerned with the proposition to enact mandated parental leave. This is a totally one-sided proposed law. It is too expensive, too burdensome. It might be considered apple pie, but it is certainly bitter to the taxpayers.

I encourage your support in defeating the proposed mandated parental leave.

There are a lot of others that I have from Utah that I also find to be very interesting on this issue. One is from IBEC in Ogden, UT.

DEAR SENATOR HATCH: We very much believe in families. However, the Government is not in the business of dictating what benefits we should offer our employees, unless of course the Government would like to pay for those benefits.

We respectfully request that you vote no on any and all bills that mandate parental leave or health insurance for any business establishments of any size.

Please stick to the business of Government and concentrate your efforts on balancing the budget.

It is interesting. Here is another one from a business in North Salt Lake, UT.

DEAR SENATOR HATCH: Please vote against S. 345. Mandated parental leave is not an issue that Congress should address. This would unwittingly leave the option to employees to walk out at any time they feel a need to take care of domestic matters. As an employer it does not leave the opportunity for employers and employees to sit down and discuss the problems the employee may have, or that the employer may have .

As a regular course, our company allows parental leave when we understand the circumstances of the employees. But more than that it gives us the opportunity to negotiate these times so the employee and employer can satisfy their needs by working out an equitable solution.

Well, I think these are points. I could go through a lot of other letters.

I ask unanimous consent that these letters be placed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LE GRAND JOHNSON
CONSTRUCTION CO.,
Logan, UT, March 13, 1989.

Hon. ORRIN HATCH,
Washington, DC.

DEAR SENATOR HATCH: I am concerned with the proposition to enact mandated parental leave. This is a totally one-sided proposed law. It is too expensive, too burdensome.

It might be considered apple pie but it is certainly bitter to the taxpayer.

I encourage your support in defeating the proposed mandated parental leave.

Very truly yours,
LE GRAND JOHNSON CONSTRUCTION CO.,
MAX L. JOHNSON, *President.*

IBEC,
Ogden, UT, March 14, 1989.

Senator ORRIN G. HATCH,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: We very much believe in families. However, the government is not in the business of dictating what benefits we should offer our employees, unless of course the government would like to pay for those benefits.

We respectfully request that you vote no on any and all bills that mandate parental leave or health insurance for any business establishments of any size.

Please stick to the business of government and concentrate your efforts on balancing the budget. The current deficit will cripple us for years to come unless you act now, due to all the wonderful programs you and your colleagues have enacted. Have you considered ending outdated programs and biting the proverbial political bullet with an across the board spending reduction. If we all pay the price of reduced spending you're more likely to get the people behind you than if you single out groups for item cuts that then say "why me?", and pressure you into restoring the cut. Shades of the Hill AFB furlough and the McDonald Douglas jobs in Salt Lake, for example. Above all, do something to correct this imbalance!

Sincerely,

HELEN REEVES TAYLOR,
Vice President.

GETTER TRUCKING, INC.,
North Salt Lake, UT, March 20, 1989.

Senator ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: Please vote against S. 345. Mandated parental leave is not an issue that Congress should address. This would unwittingly leave the option to employees to walk out at any time they feel a need to take care of domestic matters. As an employer it does not leave the opportunity for employers and employees to sit down and discuss the problems the employee may have, or that the employer may have.

As a regular course, our company allows parental leave when we understand the circumstances of the employees. But more than that it gives us the opportunity to negotiate these times so the employee and employer can satisfy their needs by working out an equitable solution.

Please vote against Senate Bill S. 345.

Sincerely,

GETTER TRUCKING, INC.,
WILLIAM R. GETTER,
Executive Vice President.

Mr. HATCH. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Utah has 29 minutes and 23 seconds.

Mr. HATCH. Mr. President, I notice the distinguished Senator from Idaho is present. I would like to interrupt my remarks to yield 4 minutes to him, and then I will go into the Hatch substitute and why I think it is a far superior bill to the Dodd-Bond bill, and why I think it would work in the best interests of all American families, not just the few that the Dodd-Bond bill does.

So at this point, I would be delighted to yield 4 minutes to the distinguished Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague from Utah for yielding.

Let me, first of all, associate myself with the remarks he has just made as they relate to the important piece of legislation that is before us, S. 5, and amendments that he will soon be offering to this legislation that deal with parental leave.

I had developed legislation as an amendment to the parental leave bill known as S. 841. I will not have the opportunity to introduce that as an amendment because it would require the 60-vote point-of-order budget waiver, because it would be a tax credit to be offered to business and industry, especially that 5 percent which does not now provide through the private approach a parental leave or an individual leave opportunity that currently exists in the marketplace.

Why will I oppose S. 5, and why am I suggesting that every Member of this Senate ought to oppose S. 5? Is it the merit? No, not in total, Mr. President. It is not the merit or the concept of the legislation itself, from the standpoint of what it pretends to do. I think we are certainly all in favor of the employee and the employer developing a relationship that recognizes the plight of the employee.

But what I oppose, and what I think this Senate ought to oppose, is a mandate, a Federal mandate that says you will.

I am not allowed to introduce my legislation because of it potential budget impact, and yet there is absolutely no consideration for the impact of S. 5 on the private economy of this country, the viability of that economy and, more importantly, its competitiveness in a world economy.

As the rest of the world would tend to free itself a little bit, and we hope a good deal more, we tend to be centralizing the authority over the private sector of this country right here, in the Senate and in the Congress of the United States. I think that is what Federal

mandates are all about. When we cannot afford to do it, because we have literally bankrupted our country through Government expenditure, we are now saying we are going to solve the additional social ills that we can no longer afford from the Federal level through mandates to the private sector with which the private sector must comply.

I am all in favor of parental leave when it is a negotiated leave, when it is a relationship that is freely established between the employee and the employer. I would even go so far, as I have in the legislation that I developed, S. 841, to offer the incentive to do so by encouraging through greater tax incentives that kind of an opportunity to exist.

In fact, the legislation that I would have proposed, if we had not had to adhere to the false budget agreement that this country and this Government now struggles under, would have even provided greater flexibility in the marketplace than the kind of mandates that are proposed through S. 5. That is reality.

So when the American public, which observes our actions on a daily basis, becomes frustrated over what is or is not done, part of it is not done because of the rules and regulations that we straitjacket ourselves to; part of it is not done because we no longer believe that the private sector ought to be as free as it is, as it should be, to negotiate its own relationship, partly because there are some who believe in greater and enhanced central control over the kinds of relationships that my colleague from Utah is suggesting that we free up; that we really do create the incentives, but we allow the private sector to make the choice. We allow the employee and the employer to come together in that kind of a negotiated relationship.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. CRAIG. Mr. President, I thank the Chair.

I stand in strong support of the amendment of my colleague from Utah that he will be presenting, and I hope this Senate will rally in support of a more voluntary, freer approach to the marketplace and to the relationship that has been traditionally, Mr. President, the relationship negotiated between the employee and the employer.

I thank my colleague for yielding time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah now has 24 minutes and 11 seconds.

Mr. HATCH. Mr. President, I thank my colleague.

I yield 5 minutes to the distinguished Senator from Washington.

Mr. GORTON. Mr. President, if the U.S. Senate wants to act on behalf of American families and businesses, then it should look to my home State of Washington. There you will find a family leave law that strikes a necessary balance that protects both families and small businesses. Look there, and you will find a model for this Senate to follow.

In today's difficult economic times, many couples face enormous financial burdens when starting and raising a family. The unexpected onset of tragic illnesses of a spouse, parent, or child can also add tremendous challenges to working men and women. People in such dire circumstances should not be forced to choose between losing a job and caring for a loved one.

Fortunately, the tradition of family and medical leave is a common and accepted fact of American businesses, small and large. Across the Nation, employers and employees enter private agreements every day to establish equitable solutions to the worker's difficult situation. That is the preferred and customary method of managing employee crises as indicated by a poll which found that 89 percent of the American public believes that benefits should be decided between employer and employee, not by the Federal Government.

However, some States, including my own State of Washington, have recognized the need to legislate balanced family leave policies to cover large businesses. Washington State recognizes this need by providing for up to 12 weeks of unpaid parental leave to care for a new or adopted child. That legislation applies to businesses with more than 100 employees. I fully support such individual State efforts to address the unique needs of their families and local economies.

It was my hope that the U.S. Senate would follow Washington State's lead by enacting similar legislation that serves families and businesses. I wanted legislation that recognized the current financial struggles of businesses which employ 50 to 100 people; businesses which are vitally important to our economy. Instead, the best the Senate has done is offer legislation that is unfair to medium-sized businesses, excessive in its mandated benefits, and designed to provoke a Presidential veto. This cannot possibly benefit families who need wise and compassionate legislation from their Representatives.

For the past few weeks I have heard from many Washington State businesses. From Spokane to Seattle, and Bellingham to Kennewick, employers with more than 50 employees have urged me to recognize their contribution to our economy and not impose further unreasonable Government regulations. They simply can't afford it.

There is a significant difference between requiring businesses with 50 or more employees to provide mandated benefits, and the Washington State standard of 100 or more employees. According to the Washington State Department of Employment Security, in 1990, the total number of employers with 100 or more employees was 2,830. The combined employee payroll for these employers is 1,009,382. The total number of employers with 50 or more employees is 6,512. The combined employee payroll for these employers is 1,262,093. Lowering the threshold for family leave from 100 to 50 would mean an additional 3,682 employers or 130-percent expansion of the number of covered employers. The Washington State Legislature has debated this issue at length and has decided against lowering the exemption rate.

I cannot support Federal legislation that lowers the threshold beyond that which my State has expressly established. Although I applaud the Senators from Connecticut, Kentucky, Missouri, and Indiana for their efforts to lessen the burden on companies, the compromise legislation is still not close enough to the Washington State legislation to win my support.

The single greatest benefit that this Senate could provide the American people, especially those who must care for new children or ill parents, is a sound and growing economy. In an ideal world, Washington State would never have to legislate their family leave policy. However, it is a reasonable approach that acknowledges the need to protect families while maintaining a sound economy. Regretfully, this legislation does not recognize that balance and I will vote against it. Instead, I will vote for the version sponsored by the Senator from Utah. This alternative, while not similar to the Washington State law, does recognize the same balance which I seek. I commend the Senator from Utah for his efforts to provide legislation with sound economic and family principles.

Mr. President, in connection with this debate, as with many others, we seek socially highly desirable goals.

We change the various mix of socially, highly desirable goals we seek from day to day depending upon the nature of the issue before us. But in this case that goal, that extremely worthy goal, is family strength, cohesion, and stability, accommodating to very real needs that very real people have as medical and other emergencies touch them.

Yet, we concentrate so heavily on that single goal that we almost ignore other goals which are equally important. Certainly, in the situation with which we are faced today, the most important single goal is a restoration of a strong, booming, and growing economy.

It is overwhelmingly clear from the correspondence which we receive on this issue that the heart of the economy of the United States, small- and medium-sized businesses, are almost universally against this bill. They feel

that it simply adds one more burden, one more inhibition to their ability to grow, to make appropriate management decisions, to provide the jobs which, after all, are the basis for any kind of family benefits from employment.

How do we solve that problem, Mr. President? How do we gain the maximum in sensitivity toward our families with the minimum disruption of our economy? I believe that the proposal of the Senator from Utah does that. In some respects its rewards are more generous, considerably more generous, than those that underlie this amendment. At the same time, it does not impose absolute mandates on business. It does not disrupt the kind of planning process which any successful business must have.

There is yet another method of reaching these goals. My own State legislature has debated this issue over an extended period of time and has put into the law of the State of Washington a proposal not dissimilar from that of the Bond amendment, except for the tremendously distinguishing feature of a floor of 100 employees rather than a floor of 50 employees. And it is, of course, from exactly those vital small businesses that fall into that category that I have heard the widest ranging objections to this bill.

Mr. President, I might even have been disposed to ignore those objections if while we were debating this bill we were in a vital and growing economy. But if there is one overwhelming message which we get today, it is that, one after another, we are adding to the burden, the inhibitions of those very businesses and entrepreneurs who provide the jobs for a growing economy.

I am convinced, regrettably, that we simply cannot add to those burdens and expect at the same time a vital lift out of the recession in which this country finds itself. As a consequence, I believe that we should either adopt the proposal of the Senator from Utah, one with which those small businesses can live, or allow a few more years for competition to create voluntarily exactly the situation which is sought by this bill. But during the midst of a recession, to add one more great difficulty—one more inhibition to the ability to produce more jobs—will cause more misery and more difficulty than this particular proposal will ever create.

So, Mr. President, I advocate the adoption of the amendment by the Senator from Utah together with that of the Senator from Minnesota, but I believe that in the absence of the adoption of the amendment by the Senator from Utah, this bill, regrettably, should be rejected.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I ask unanimous consent that I may take 5 minutes of the time that would be allocated to the distinguished Senator from Utah on the time that has been allocated to him under the unanimous-consent request.

Mr. HATCH. Mr. President, it appears to me that—it is now 2:35—Senator DURENBERGER is about ready to call up his amendment. I understand that he has 1 hour on his amendment and I have about 15 to 19 minutes remaining. Thus, it would be about 3 p.m. when he begins his presentation. Having been told that he will consume his entire time, that would take us to 4. Following, I am supposed to have 2 hours on my amendment.

So, let me say that I would like to accommodate my colleagues. But, I would like to yield to the distinguished Senator from Mississippi about 7 minutes, and then I will address my amendment in the remaining time I have before 3. If we just had a few minutes before 4 p.m. to talk about my amendment, maybe we could start this series of votes pretty close to 4.

I do not want to hold up our colleagues even though I supposedly have 2 hours after Senator DURENBERGER has completed his presentation. I want my colleagues to understand that we may not be able to vote right at 4. I intend to see that we vote pretty darned close to 4 if I can have it, even though it means waiving an awful lot of the 2 hours.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. DODD. Mr. President, thank you very much.

I will try to use less time, Mr. President. But there has been a lot of discussion here from a number of our colleagues about the fact there is a benefit tradeoff, that if the family and medical leave legislation is adopted, some other benefit that employees presently have would somehow be diminished or taken away.

In December 1988, we held hearings in the Labor Committee, and this suggestion was made at that time as well, that somehow we are going to cause employees to lose some benefits if this particular proposal is adopted. I made the mistake that no freshman law student would ever make. I asked the witnesses, without knowing the answer to the question, I simply said: Would you identify for me the name of one single company in this country that has ever reduced anyone's benefit as a result of adopting family and medical leave practices? That was a silly question to ask, for anyone who knows anything about a trial, if you do not know the answer to the question. I did not know the answer to the question.

That question was asked in December 1988. We are now in October 1991, and I have been waiting for them to name one company in this country that has ever adopted a family and medical leave or a parental leave program that has reduced any other benefit that they provided to their employees. Never one example has there been cited, and yet that has been a major argument here this afternoon, that employees will lose other benefits if, in fact, they provide this particular benefit or are required to provide this particular benefit.

Mr. President, to suggest somehow that this legislation is going to do that when in fact no business has ever come forward and said, in fact, "Senator, we want to let you know we have reduced our benefit package because we adopted parental leave as a policy in this particular firm or business."

It is a little difficult to see, but I will put up this chart here just to identify. The average benefit package per employee in this country, take everything an employee gets, is roughly $10,000. That is aside from wages. That amounts to legally required medical, vacation, pension, holidays, and sick leave. You add them up, beginning at the top, $2,577, down to sick leave, which is $386 a year. The total is about $10,000 a year. We are talking about here, according to the General Accounting Office, the last item, $5.30 a year, 2 cents a day for family and medical leave.

To suggest somehow this same employee is going to lose some of these benefits for 2 cents a day is absolutely ridiculous, without merit or foundation, and there is not one single example to even substantiate or support the accusation. There is a package of $10,000 of benefits, $5.30 benefits, 2 cents a day, and somehow because this is required, these other benefits are going to be reduced. That is just ridiculous.

I know the argument gets made. I will leave this chart up for my colleagues to look at, but there is no substantiation whatsoever for that allegation.

I reserve the remainder of my time.

Mr. HATCH. Let me say that I will put into the RECORD a statement by one of the groups that support this bill, that refutes what the distinguished Senator from Connecticut has to say. We will get that and put it in the RECORD later.

I yield 7 minutes to the distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Utah for yielding me this time.

I have a few points I want to make against the Family and Medical Leave Act. I know most of the debate here today has been from Senators supporting this bill. It is easy to do that, and it is understandable; you want people to have family and medical leave. We all do.

But there are some reasons why we should not mandate it from the Federal

level. It has a fatalistic history. This will not become law. Maybe we are going to prove a point by passing it through the process and sending it to the President. But he will veto it, and it will be sustained, and then what? It will meet the final result—to not become law.

As is always the case, it seems to me, when we have a problem in this country, the Senate says: Let us solve this problem with a Federal law. Let us mandate it. Let us say this must be done, or this must be done, even if we don't need it.

Some people argue: why are you opposed to this? It will only affect maybe 5 percent of the businesses in America. That is my point. If only 5 percent is going to be affected, why do we need this? We can argue over statistics. Maybe it is more than that. But business and industry in America are doing their job here. They are giving maternity leave and sick leave.

I have some statistics that I am going to quote in a moment. My main point against this bill, once again, is that it is a federally directed mandate. And bill after bill after bill coming through the Senate this year puts more paperwork, more regulatory burdens, and more mandates on business and industry, particularly small business in America.

You might say, well, if you are under 50 employees, you are not affected. A lot of small businesses have 60 employees. If we mandate that small businesses must handle family and medical leave in accordance with what is included in this bill, this is going to be a problem for them.

Let me read an editorial. I do not get to read editorials very much in the USA Today newspaper, because most of the time I do not agree with them. This time they got it right, so I will read it, because it is a very good summation of my problems. It is entitled: Family leave, yes; Federal law, no. I added the word "Federal."

In an ideal world, work and family life would never clash. In our imperfect world, the two collide constantly.

Real-life people have or adopt children who make 24-hour demands. Real-life people care for ailing relatives whose needs aren't confined to hours left over from a full workday.

No one should have to add the fear of losing a job to the burdens of meeting family responsibilities.

The wise employer will ease those burdens by offering family and medical leave because it's decent, humane—and good for business.

Family-leave benefits can lure and keep the best workers less expensively than higher salaries. And hiring new employees is more expensive than hanging on to those with experience, even though they have to leave for a while.

I added the last phrase there.

"More and more businesses have realized this," and more will offer family leave, as they see the value in doing it.

The Family and Medical Leave Act scheduled for Senate action this week would force firms with 50 or more employees to offer 12 weeks of unpaid leave for childbirth, adoption or family illness.

What a company should do and what it should be made to do by law are two different things.

Laws can't accommodate the varied needs of varied businesses. Laws could harm employees' interests because employers might lean away from hiring women of childbearing age, lean toward hiring temporary workers who don't qualify for benefits; or be unable to afford benefits employees might want more, like on-site day care.

Family leave decisions should be hammered out between workers and employers, to the mutual benefit of both. That might not mean unpaid leave, but job sharing, or flexible hours, or higher salaries with less time off.

Laws would be too clumsy and confining to cope with the complexities workers face in the real world.

That is from the September 30, editorial page in USA Today. It sums up my concerns about this particular bill.

I am also worried about the fact that we are talking about 12 weeks of leave. That is 3 months. I am also concerned about whether this will be done every year.

In the real world, if you had the possibility, which could happen, of children being born, or adoption, or sickness in the family, you could do it year after year. And what about proof of illness? It is very unclear to me whether you must show certification, or a doctor's statement, that you have an illness, or there is illness in the family. The bill language says "may require certification," not "must" or "shall."

Also, let me share some statistics with my colleagues here: A survey of 3,460 firms in the wholesale distribution industry revealed that 65 percent of these businesses offer either paid or unpaid leave, specifically for the birth, adoption, or care of an employee's ill child.

The GAO, General Accounting Office, an arm of the Congress, reported in March 1991 that almost all of the companies it surveyed provided maternity and paternity leave.

A small business survey reveals that approximately 60 to 70 percent of firms that employ 16 or more workers offer job-guaranteed sick leave.

So, statistically, I think we see that businesses, employees, and employers are dealing with this.

Yes; we should have maternity leave or paternity leave. I am a parent. I have two children. I know that there is a need to have some time to be with that newborn child. That is particularly true, I think, with the mother. But it goes both ways. But, for the Federal Government to mandate that it has to be done, and how much it has to be done, I think, is fundamentally wrong.

I also understand the problems of having sickness in the family. All of us have experienced that. Again, the Federal Government should not be getting into one more area of mandates. This looks good. It sounds good. But in practice, No. 1, it is not needed; No. 2, it is going to hurt more than it helps.

I really think you are going to find there are some women who would have been employed that, if this bill becomes law, will be less likely to be employed. So I urge my colleagues to not support this legislation. I know it has an astronomical appeal and push for it, but it is not needed and it is going to cause problems.

At the very maximum, I think we should go with the Hatch substitute. Quite frankly I am not particularly enamored with it either. The Hatch substitute is a little better because it does not mandate this benefit but encourages flexibility for a longer period of time, which may actually be needed in single incidents. I thank the distinguished Senator for this time.

I yield the floor.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank Senator HATCH very much for yielding me this short period of time. I want to spend 3 minutes talking about an amendment that will not be offered, but one that should be a part of this bill.

I had intended to offer an amendment to the parental leave bill, which would have extended coverage to employees of this body, the U.S. Senate, on the same terms as private sector employees have this law applied to them but, I have been prevented from offering my amendment to this bill.

Perhaps, Mr. President, the word "prevented" is too strong a term. After all, I could have continued to object, last night to the unanimous-consent agreement until my amendment was included.

But of course, tied up with the UC agreement on parental leave was the vote on confirming Judge Clarence Thomas to the Supreme Court, and, of course, from my perspective getting Judge Thomas on the Court is an overriding concern of mine. After all, this bill is very unlikely to become law—the President has promised a veto that at least one House will sustain. But of course, the presence of Judge Thomas at the start of the Supreme Court's term is critical for the Court's work and justice being done. And he will begin to make a difference right away, long before parental leave could ever become law.

So, Mr. President, I have given up my right to amend this parental leave bill or at least to offer my amendment. But I did it only because the Senate leadership assured me that I would have a right to bring up a similar amendment to the civil rights bill, where it is very much germane, and we are going to be debating that in a couple weeks.

At that time I will be ready to debate this issue. We can talk about the hy-

pocrisy of Congress—the above the law attitude that runs rampant around here. We set rules and tell Americans to follow these rules, but we refuse to apply the same law to ourselves.

Congress employs more than 37,000 people all over this Nation—more than 7,000 are Senate employees. But these 7,000 employees do not have the same rights that other Americans have. Oh, yes, they can file a complaint with the Senate Ethics Committee for certain grievances. But if they do not like the result, our answer is just simply, "tough luck." For every other employee in America, there is a right to take the employer to court and get damages and sometimes penalties and even reinstatement to a job. Not so for our employees.

Well, Mr. President, I take no pride in helping to run the last company town in America.

We have got to do better. And, I will be back on the civil rights bill, ready to debate this issue fully. Some of my colleagues claim my amendment violates the Constitution. I'm confident it does not. The speech and debate clause does not immunize us for illegal employment decisions. And, frankly there just isn't a separation of powers problem.

Some of my colleagues object to my amendment because they are afraid that they will be subjected to frivolous lawsuits that could hurt them politically. Well, my answer to that is: "Senator, have a dose of your own legislative medicine, then maybe you'll understand what so many employers go through." Getting sued has become part of what it means to live in this great Nation of ours. And if those of us who work up here would understand that better, perhaps we'd think more critically about the kinds of laws we pass.

It is time we stopped being hypocrites.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes 40 seconds.

Mr. HATCH. Let me take a few minutes on the amendment that I intend to propose after the distinguished Senator from Minnesota proposes his amendment.

HATCH SUBSTITUTE: PARENTAL OPTIONS AMENDMENT

For millions of American families, the conflicts between work and family are unavoidable. Senators on both sides of this issue, I believe, are struggling with how best to help families cope with these conflicts. I agree with those who think that we can play a role in providing a better environment for work and family, but I firmly believe that my proposal does a better job of this than S. 5.

The Bond-Dodd substitute, which was debated earlier today, would establish an unprecedented Federal mandate that prescribes new, unearned employee benefits along with complex Federal rules and regulations. Keep in mind complex rules and regulations is something no one really addressed so far.

Another, more realistic approach focuses on protecting employee seniority, earned benefits, and accrued pay status and offers greater flexibility to both employees and employers.

The approach which I have just described is embodied in a bill that Congressman STENHOLM and I introduced several months ago called the American Family Protection Act and that I am offering as a substitute today, following the distinguished Senator from Minnesota. It provides up to 6 years of leave for parents to bond with children and up to 2 years to care for seriously ill children or close family members. The differences between this substitute and other approaches warrant analysis.

A designed, federally prescribed mandate, which is what S. 5 is both in its original and modified forms, is inflexible, ineffective, and discriminatory in impact.

Mr. President, we have made a lot of points on that particular matter.

Mr. President, here are the facts:

First, bonding is the interaction between parent and child that begins immediately after birth and foreshadows the infant's later socio-emotional development. Without this postbirth intimacy, many children are at high risk of developmental difficulty. Facilitating this bonding must be the central objective of any legislation in this area.

According to the experts, the first 4 to 6 months are critical in this bonding process. More precisely, they note, bonding is a continuous process lasting years. By any standard, the 12 weeks allowed in S. 5 are clearly not enough.

Second, providing job protection for individuals who must care for seriously ill children, elderly parents, or close family members is another objective. But, by definition, a serious illness is one that may not run its course within the allowed 12-week period.

Third, mandated benefits are not free. Accepting this reality, proponents of S. 5 in its original and modified forms exempt from coverage small businesses with fewer than 50 employees. But the other reality is that in so doing, they have made almost 50 percent of the Nation's working parents—those working for small employers who are least likely to have their own leave programs—ineligible for the benefits that it requires be provided to the other half of the working parent population. Proponents of this mandated benefit, in apparent recognition of the harsh burden it would impose on smaller employers, are forced to exclude those employers, thereby discriminating against their employees.

My point, Mr. President, is that Congress cannot set in statute a specific period of mandatory leave than can effectively balance the needs of workers with the recognized economic realities of the workplace. If we choose a limited time period, as proponents have had to do in an effort to at least minimize or control the severe costs and burdens of this mandate on employers, the time of permitted leave will be too short to accomplish their own goals.

On the other hand, because the alternative which I have proposed does not establish new mandated unearned benefits, but rather preserves only those benefits which have already been accrued, there is no need to exclude 95 percent of this Nation's employers. Further, because this alternative does not consist of an inflexible Federal mandate which forces employers to keep a particular job open for the leave period, it permits parents far more flexibility, up to 6 years in fact, to choose the length of time right for their circumstances.

How does the American Family Protection Act work?

Here is an example. Mary Smith is free to spend more time with her newborn—as much as 6 years. When she decides to return to work, she would simply notify her former employer. If the same job she held when she left, or a similar job, is available, the employer must rehire her. If Mary had 10 years seniority with the firm when she left, she gets that restored upon her return. If the same or a similar job is not available when Mary is ready to return to work, the employer is obligated to notify Mary of any subsequent opening and offer her that position for up to a year later.

Mr. President, this concept of preferred rehire has been successfully used to assist veterans of Armed Forces seeking reentry into the civilian labor force.

It does not make any sense to mandate a new employee benefit that will impose unprecedented obligations and new costs on employers, particularly when the tradeoff necessary to make the costs bearable render the benefit inadequate to fulfill its purpose. This mandate makes even less sense when it exempts almost half of the labor force.

Mr. President, I ask unanimous consent that I be given 5 minutes from my 2 hours' time following the Durenberger matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. But, even more important, families deserve the right to choose. Congress can help families the most by giving them options, and that is precisely what this alternative does. Undoubtedly, Mr. President, opponents of this alternative will be quick to point out that it does not guarantee, as S. 5 does, that the person's job will be waiting for them at the precise time

they want to return to work. This observation is correct. But, the tradeoff for S. 5's guarantee of reemployment after an inadequate 12-week leave period is my alternative's providing up to 6 years, if needed, with at least the likely prospect for an employee that he or she will return to their former or a similar position and have their accrued benefits restored upon return.

I believe that families in America today feel terrible pressures of having to choose between care of their children or sick loved ones and their work obligations—and 12 weeks hardly meets the needs of these families. Up to 6 years would. And, yes, the tradeoff between 12 weeks off and potentially 6 years off has to be that reemployment assurances are provided rather than guarantees.

Another argument against this alternative is that it may work for the very well off parents who can afford to leave the workforce for a protracted period, but does nothing for lower income parents. All I can say to this argument, Mr. President, is that it cannot be coming from working parents. Do my colleagues have any idea what day care costs today? Let me describe the unfortunate reality, Mr. President. A quite average day care center in Washington, DC, which cares for the children of parents representing a wide cross section of income levels, costs $14,340 for two children per year. The way I calculate it is that, even excluding the additional costs involved in transporting two kids to day care, a parent would have to gross at least $18,000 a year to just break even. These mothers, currently at or around the break-even point, may feel constrained to keep working nonetheless in order to retain some level of employment security or so as not to lose the years of seniority they have accrued with their particular employer. My alternative, while no guarantee, mitigates both of those concerns. It may just give that struggling working class mother and her children an opportunity to be together during those important developmental years.

Mr. President, the Hatch-Stenholm substitute has the support of the U.S. Chamber of Commerce, perhaps our oldest and largest business organization, as well as the Family Research Council which is dedicated to promoting family-friendly public policies. Additionally, SER-Jobs for Progress, which has been in the forefront of Hispanic issues, has endorsed this proposal. These organizations have enthusiastically supported this proposal and joined Congressman STENHOLM and myself at a press conference last summer. I thank them for their support; I hope Senators will take their recommendation.

So, I think the approach we are proposing here gives the time necessary, provides the necessary assurances, gives and maintains the seniority and, frankly, is not a mandate in the sense that the Dodd-Bond bill is. Over the long term, it will work better and cause less loss of business than the Dodd-Bond approach. Lastly, it will not go down that ominous, terrible road of more mandates on the back of business in this country. We all know that they are only for the benefit of the upper half or the upper-half crust of our society.

My amendment applies to everybody—across the board. It will help everybody—across the board. It will get employers and employees together to voluntarily resolve their problems, as contrasted to a mandate like the Dodd proposal. I think it is a far superior approach to solve these problems. It is far more humane. It will allow for more bonding of both parent and children and in the process work very, very well.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, as a longtime supporter of family and medical leave legislation, and as an original cosponsor of S. 5, the Family and Medical Leave Act of 1991, I wish to state in the past, we have come very close to seeing this legislation become law. As you know, similar legislation was passed last year by both the Senate and the House, but was vetoed by President Bush. I was extremely disappointed that the President chose to veto a bill that is so important to American workers and their families. But I am deeply gratified and appreciative that the senior Senator from Connecticut [Mr. DODD], the chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, of which I am a senior member—simply won't take no for an answer where the health and welfare of American families are concerned. It is through his leadership and commitment to making family leave a right of every worker that we are here again today, in the face of another potential Presidential veto. I would like to congratulate Chairman DODD both for his commitment to bringing to this Nation sensible family leave legislation and for his wilingness to listen and respond to the legitimate concerns that have been raised in connection with this legislation over the last 5 years.

The Family and Medical Leave Act has existed in a variety of forms since it was first introduced several Congresses ago. But it has consistently offered us the opportunity to address what are certain well-documented needs of many American families. Facts presented during a hearing held by our subcommittee earlier this year illustrate a disturbing and strong trend toward one-parent families: from 9.1 percent in 1960 to 24.3 percent in 1987. In addition, with the majority of both men and women now in the work force, in many cases there is simply no one family member who can address urgent family needs without risking the loss of his or her job.

The Family and Medical Leave Act will address not only some immediate and changing needs of the average family, but also the demands and realities of the American workplace. It contains many provisions to address the scheduling and other administrative concerns of those businesses affected: only 5 percent of all businesses. It will also help increase worker productivity and reduce turnover and absenteeism. And it will do all this at low cost: GAO estimates that the cost to employers for this important family legislation will be about $5.30 per covered employee per year.

As you know, the bill is quite simple. It provides only that workers who must take time off for the birth, adoption, or illness of an immediate family member, or for personal illness, may take limited unpaid leave without losing their jobs. I am particularly pleased that this bill allows for unpaid leave for the illness of a parent. In my own State of Rhode Island, which has one of the largest percentages of elderly citizens of any State, this is a particularly important provision.

Rhode Island was one of the first States in the country to recognize the critical and growing need for family leave laws, and has already enacted similar legislation. But with no national policy, there is nothing to ensure not only competitiveness between the States, but also that every State is a good place for families to live.

Mr. President, the Senator from Utah has offered an alternative that essentially makes family and medical leave benefits optional. As I understand the Hatch substitute, it would require only the preferential rehiring of a worker who has taken family or medical leave, but would not guarantee the employee his or her job upon returning to work. Instead, the Hatch substitute says that the employer must give preferential consideration to rehiring the employee during the up to 6 years of leave permitted, and only if that job or a similar job is still available.

Mr. President, I seriously doubt the viability of the Hatch alternative, which I believe is most convenient for the employer at the expense of the employee needing leave. However, I believe that the business concerns which the Senator from Utah seeks to address in his amendment are well addressed by the Bond-Ford-Coats amendment that was debated earlier today. That compromise amendment makes numerous refinements to the legislation that are intended to accommodate the needs articulated by some of the covered employers, and strikes a sensible balance, I think, between the urgent family and health care needs of the employee and the reasonable expectations and business practices of those employers.

Mr. President, I would respectfully call to the attention of my colleagues the story of James Callor of Helper, UT. Mr. Callor's story appears in a publication called "Family and Medical Leave/Working Families Speak: Case Studies of Americans Who Need Family and Medical Leave" (second edition), published by the Women's Legal Defense Fund. I am reading from page 73.

Mr. Callor worked as a fire boss for a mining company for eight years. Fire bosses enter a mine before other miners to check for gas and other hazardous conditions.

In 1982, Mr. Collar's four-year-old daughter was diagnosed as having cancer. She underwent a series of operations, including a kidney removal and a hysterectomy. However, this string of surgeries proved unsuccessful and Mr. Callor was told by doctors that his child would not survive more than a few weeks.

Mr. Callor asked his supervisor for an indefinite leave to be with his daughter during her last weeks. Despite an excellent attendance record over eight years, he explains his supervisor refused to grant him any leave in excess of his accrued sick leave and vacation—a total of 13 days. Angry and frustrated, Mr. Callor felt that he has to abide by his supervisor's denial of additional time off, because he could not afford to lose his job. Three weeks after his request, his daughter died.

Mr. President, this publication quotes Mr. Callor as follow:

I was a good worker for that company. When they'd call me out at 2 a.m. to fireboss, I'd always go. I hardly ever missed work. But when my little girl was dying, they wouldn't even give me the time to be with her. I sit back and remember the situation and know I did everything I could for her, but it would have been a lot easier on our family if the company had seen fit to help. It's something you never expect, and it can happen to anybody.

Mr. President, the Callor family tragedy shouldn't happen anywhere in America: Not in Rhode Island, and not in Utah. We may not be able to prevent the tragedy of a child dying or becoming very sick, but certainly we can provide to that child the comfort of his or her family, and provide the family with the chance to help, to show love, or to grieve.

For the sake of the next generation, and for the sake of the sick children and elderly today who have no one at home to care for them, we must as a Nation decide that we will not make our workers choose between their loved ones and their jobs.

Mr. President, I urge my colleagues to support the Bond-Ford-Coats substitute, and I thank those Senators for their hard work in forging a compromise on this critically important legislation. It is my hope that the Senate will today take the first step in ensuring that family and medical leave soon becomes a right of every worker in need.

Mr. DECONCINI. I rise today in support of the Bond-Ford-Coats substitute amendment to the family and medical leave bill. I call on my colleagues to cast their vote on the side of America's working families. I urge President Bush not to veto this legislation.

In 1988, George Bush ran on a pro-family platform. He ran on a pledge of parental and medical leave. He said and I quote:

We need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during serious illness. This is what I mean by a kinder and gentler nation.

Mr. President, working mothers should not have to choose between a job they need and a child who needs them. George Bush recognized this in 1988. In 1988, he saw parental leave as a family need. Now he sees it as a Federal mandate. To George Bush I would like to quote the words of Republican MARGE ROUKEMA, a member of the President's own party and a principal architect of the bill. It happens that she also cared for her own son when he was dying of leukemia. "The debate over the Family and Medical Leave Act," she states, "is not about mandates or benefit packages. It is about values and a standard of decency."

Another Republican, Congressman HENRY HYDE from Illinois, also has a response to the President. "I am not appalled that this is a Federal mandate," the Congressman states. After all, "we mandate job security for jury service * * * and ROTC duty. It seems to me," he concludes, "for motherhood, for caring for a sick member of your family, that our economy and our society should be compassionate enough to include them."

Dr. T. Berry Brazelton, "America's pediatrician," charges that the United States is "the least child-oriented society in the world." I implore my colleagues to think of this if they are confronted with a veto override. Failure to override will only continue a public policy that puts the needs of our children and families on this Nation's back burner.

It is a fact: Almost two-thirds of the mothers in this country now work. Yet we are the only industrialized nation—the only one, with the exception of South Africa—that does not provide mothers who want to stay home and care for their newborn child some assurance that they can return to the job they left.

More than 75 nations have family-leave policies, most with pay. This list includes nations with the strongest national economies. Workers in West Germany and Japan—our toughest trade competitors—get 14 weeks of leave with pay. Even countries like Libya, Iran, and Cuba provide maternity leave with pay.

The bill President Bush has threatened to veto would provide minimum family leave protection for America's workers. Specifically, it would give workers up to 12 weeks of unpaid leave—to repeat, unpaid leave—when a child is born or adopted, or when a spouse, child or parent has a medical emergency that requires family care.

I would remind my colleagues that the family leave bill passed by both Houses of Congress last year was a compromise bill. It was a bipartisan compromise bill which was changed significantly from the original legislation introduced in 1985. We are again trying to strike a bipartisan compromise by further loosening some of the requirements in the family leave legislation that we passed last year.

Those who forged this compromise worked long and hard to satisfy what they thought might be legitimate business fears. I think this bill represents a reasonable compromise between competing interests while still retaining the basic elements necessary to protect the family unit.

Mr. President, the legislation we are talking about covers only firms with 50 or more employees—roughly 5 percent of all companies. This means that 95 percent of employers and 44 percent of employees would not be covered at all. The bill provides no more than 12 weeks leave in any one year. Many enlightened and successful businesses have far more generous parental leave programs than this.

The bill before us today requires medical certification of serious illness. We are not talking about a parent with the flu. We are talking about a child with cancer who must have radiation treatments. We are talking about an elderly parent recovering from a stroke who needs home care.

As MARGE ROUKEMA says, and I repeat, "the debate over the Family and Medical Leave Act is not about mandates or benefit packages. It is about values and a standard of decency."

All of us support the President's desire for a kinder and gentler Nation. But we must have the courage to vote our values into public policy.

Mr. President, make no mistake—America's families are stressed out. All the statistics we have—increasing divorce rates, drugs, rising teen pregnancies, school dropouts, suicides—show that we are in deep, deep trouble in America. As Dr. Brazelton states, "the family is where we've got to turn to try to give kids a different future than the one we've provided in the past generation."

Let's start here and now. National polls show that four out of every five American voters favor mandated unpaid leave. It is a phoney argument to say that the Federal Government should not mandate how employers treat their employees. While most firms treat employees fairly, some do not. Congressional mandates help to nullify the unfair advantage that would accrue to those companies that don't deal with their employees fairly. A safe workplace, a minimum wage,

and social security coverage are just a few of the Federal "mandates" that now no longer seem controversial or unreasonable.

Let us show our commitment to children and families by providing our workers some measure of protected job leave. Let us show our commitment by offering some assurance to young people who want children and who need jobs to raise them. Let us show our commitment to working families by overriding the President's veto should he take that course of action.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

All time, the Chair would observe, on the Bond amendment has expired.

The Chair recognizes the Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, it is my understanding, under the unanimous-consent agreement, that I have an hour on my amendment which is equally divided.

The PRESIDING OFFICER. The Chair will state that on the Durenberger amendment there is 1 hour equally divided. The time will begin when the amendment is offered.

AMENDMENT NO. 1248 TO AMENDMENT NO. 1245

(Purpose: To establish arbitration procedures.)

Mr. DURENBERGER. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] for himself and Mrs. KASSEBAUM, proposes an amendment No. 1248 to the Bond amendment numbered 1245.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Strike section 107 of the amendment and insert the following new section:

SEC. 107. ENFORCEMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that parties with a dispute regarding rights provided under this Act should attempt to resolve the dispute without resort to litigation.

(b) ARBITRATION.—

(1) IN GENERAL.—An eligible employee who alleges that an employer has violated a right of the employee provided under this Act shall, in order to enforce the right, submit the dispute to binding arbitration in accordance with this section.

(2) WRITTEN NOTIFICATION.—Not later than 180 days after the date of an alleged violation of the right, the eligible employee shall notify the employer in writing that such alleged violation has occurred.

(3) COMPLAINT.—On submission of the notification described in paragraph (2), the eligible employee or the employer may file a complaint regarding the alleged violation with the Department of Labor. The Secretary shall by regulation specify procedures for filing the complaint.

(4) SELECTION OF ARBITRATOR.—

(A) LIST.—Not later than 10 days after receiving such a complaint regarding an eligible employee and an employer, the Secretary shall make available to the employee and employer a list of not fewer than seven arbitrators. Such list shall include, at a minimum, two names provided by the Federal Mediation and Conciliation Service. Each arbitrator on the list shall possess such qualifications as the Secretary shall by regulation specify.

(B) SELECTION.—The eligible employee and employer shall choose a mutually acceptable arbitrator (referred to in this section as the "arbitrator") from the list provided by the Department of Labor. If the employee and employer are unable to agree on an arbitrator, the Secretary shall appoint the arbitrator.

(5) HEARING DATE.—The eligible employee and employer shall schedule a mutually acceptable date to conduct a hearing with the arbitrator under subsection (c), which hearing shall take place not more than 60 days after the date of choosing the arbitrator. The Secretary or the arbitrator may grant an extension of the hearing date for good cause shown.

(c) HEARING.—

(1) IN GENERAL.—The arbitrator shall conduct a hearing regarding the complaint submitted under subsection (b)(3) in accordance with the procedures set forth in this subsection.

(2) DISCOVERY.—The eligible employee and employer shall be entitled to make appropriate requests for discovery prior to the hearing. The Secretary shall by regulation specify the appropriate scope for the discovery requests. The ruling of the arbitrator on the discovery requests shall be final, binding, and nonreviewable.

(3) EVIDENCE.—The arbitrator shall preside over the hearing and take into consideration written and oral evidence as presented by the eligible employee and the employer. The arbitrator may utilize the Federal Rules of Evidence as a guideline for determining the admissibility of evidence during the hearing, but the Federal Rules of Evidence shall not be determinative.

(4) DECISION.—The arbitrator shall issue a written decision to the eligible employee and the employer not later than 30 calendar days after the last day of the hearing. The decision shall be final, binding, and nonreviewable, except as provided in this Act.

(d) REMEDY.—

(1) EQUITABLE RELIEF.—

(A) IN GENERAL.—If an arbitrator determines that an employer has violated any right provided under this Act, the arbitrator may issue an order enjoining the employer from engaging in such conduct, and may order, as appropriate, equitable relief directly attributable to and proximately caused by the violation, including reinstatement or full or partial backpay.

(B) DETERMINATION OF BACKPAY.—Backpay awarded under this subsection shall not accrue from a date more than 2 years prior to the date of filing of written notification to the employer under subsection (b)(2). The arbitrator shall reduce the backpay that an eligible employee would otherwise have recovered by the amount of the interim earnings of the employee or the amounts that the employee could have earned with reasonable diligence.

(2) DAMAGES.—No arbitrator shall issue an order under paragraph (1) awarding punitive damages, or compensatory damages for pain and suffering, emotional distress, or other injury under the common law.

(3) FEES.—The arbitrator, in the discretion of the arbitrator, may award reasonable attorney's fees and arbitrator fees to a prevailing party in a hearing brought under subsection (c).

(e) JUDICIAL REVIEW.—

(1) ARBITRATION ORDER.—

(A) IN GENERAL.—An eligible employee or an employer who was a party to an arbitration hearing under subsection (c) may seek vacation, modification, or enforcement of the arbitration order resulting from the hearing in the State or Federal court in which the eligible employee resides or works, or where the employer operates.

(B) APPLICATION.—An application for vacation, modification, or enforcement of such an order shall be filed not later than 90 days after the date of the issuance of the order.

(C) BASIS FOR VACATION OR MODIFICATION.—The court may vacate or modify such an order if the court finds that—

(i) the order was procured by corruption, fraud or other improper means;

(ii) there was evident partiality by the arbitrator;

(iii) the arbitrator exceeded the powers of the arbitrator under this Act; or

(iv) the arbitrator committed a material and manifest error of law.

(D) FEES AND COSTS.—In an action for vacation, modification, or enforcement of an order of an arbitrator under this subsection, the court may award reasonable attorney's fees and court costs to a prevailing party.

(2) OTHER REVIEW.—No person may commence a civil action to enforce a right provided under this Act except—

(A) in accordance with this section; or

(B) in an action brought under the Constitution.

In section 106(c) of the amendment, strike ", or is investigating" and all that follows through "section 107(b)".

In section 108 of the amendment, strike subsection (f).

Mr. DURENBERGER. Mr. President, earlier today I had the opportunity to compliment the authors of this legislation, and I will add my compliments to the opponents of the legislation as well, particularly the members of the Labor and Human Resources Committee who have spent a great deal of time over the last 5 or 6 years on this issue.

I have not been at this issue quite as long as my friend, Senator DODD, from Connecticut, although I have been involved a little over 4 years right now. I voted against the bill in the committee both in the 101st Congress and earlier this year. I did not vote against the bill on the issue of mandates, as many of my fellow Republicans have done, or anticompetitiveness, which is an argument I think the author put to rest with a chart just a minute ago. I voted against the bill because there have been serious flaws in how this bill will be implemented, how it will affect the employee benefits structure for more than 50 million workers in America, and how the potential for it being a pro-family, pro-employee bill could be defeated.

During debate in committee, both last year and this year, I have attempted to offer amendments that I be-

lieve would improve the bill and make it a workable bill. I wanted to offer a substitute, for example, modeled after the family leave law which is in place in one of the more liberal States in the country, Minnesota. But the committee majority rejected it in favor of this much broader legislation which is before us.

Mr. President, I do not agree with my President that this bill has flaws in its mandate. If our society can mandate worker protections in wages, as it does, appropriately, and hours, as it does, appropriately, and health and safety, as it does, very appropriately, then this society can protect the worker from job loss due to absence for birth or attendance at meeting family medical needs. There is no question about that.

If our society can provide $100 billion a year in tax relief to workers whose employers provide them and their families with paid medical services, then we can certainly tolerate the far smaller costs associated with absence from the workplace when a family member's health is involved.

Employer-paid health insurance in America is about $221 billion a year. As the Senator from Connecticut pointed out; it is over $2,500 per worker per year, compared to sick leave and family of about $340 or $350.

So mandates are not the issue.

I would note that the provision for 12 weeks a year of medical leave is relatively untested. It will be most difficult to administer. It is fraught with the potential for lawsuits, particularly from the income class most likely to use these unpaid medical leave provisions.

Mr. President, this Senator wants a family medical leave bill to work. I want to help the father with the sick daughter diagnosed with leukemia who has to be taken to the hospital periodically for cancer treatment. I want to help the female employee who wants to be with her husband when he is hospitalized for open heart surgery. I would like to help the man who wants to be with his sick father after that father slips, falls, breaks a hip, and requires constant attention.

Mr. President, I lived with a dying wife and mother for 3½ years. My employer cared. My colleague, Senator WELLSTONE, had a caring employer when his parents were very sick and needed him.

These are situations, Mr. President, when our society should allow working men and women to care for their family members without penalty.

As I previously noted, the Federal Government provides a subsidy already of $100 billion a year to encourage this kind of protection for workers. Considering the scale of that subsidy, I can see no reason why we should then turn around and say it is OK for an employer to fire a worker because his child, wife, or parent is sick.

So I applaud Senator DODD for his hard work in trying to promote the family structure. Along with the Senator from Connecticut, I am pro-employee and I am pro-family. My amendment will eliminate that section of the Senator's bill that is anti-family, anti-employee, anti-employer but pro-lawyer.

I am proposing an amendment to the Family Medical Leave Act that will replace the current enforcement section and substitute a far less cumbersome and expensive binding arbitration mechanism.

I know the politics of this issue may require some to refuse to budge from where they are on either side. The story of the bill so far is that its authors have had a difficult time getting support from the other side. The supporters of the President's view say this effort to improve this piece of legislation might get a few more votes for it.

Well, I just ask the question: What is wrong with improving it? I offer this amendment because I believe I was elected to help make good public policy, and, in my view, this amendment vastly improves the bill.

So I encourage my colleagues to really look at the consequences of what we are doing—federally mandating a brand new fringe benefit for every employee of every company in America with more than 50 employees. Judge for yourselves if this amendment, the one I offer, is not a better amendment for employees who have been wronged under this act.

As currently written, the Family Medical Leave Act is modeled after the Fair Labor Standard Act. Accordingly, it provides for lost wages, benefits, and other compensation, as well as double liquidated damages. What many of my colleagues may not realize is that the FLSA, the Fair Labor Standard Act, and therefore the family medical leave bill forces the aggrieved employee into Federal district court and allows the parties to demand a jury trial as well. And I find that troublesome because I believe that our Federal judiciary is already overcrowded, and because the whole notion of going to our court system to deal with these types of problems is simply wrong.

Only in America do we seem to go to court first or to the lawyer's office and then to court. After a parent stays home from work to care for her daughter who had an appendectomy, and then is discharged for not coming to work, do we not want to encourage that broken relationship between the employer and the employee to be healed. We want to get that mother her job back, not spend years in Federal court while putting BMW's in the garages of lawyers.

Mr. President, make no mistake, there is going to be an explosion of questions and issues of how the Medical leave provisions of this bill will operate in the real world. What types of emergencies will justify leave? How will promotion and layoff policies be effected by this new Federal benefit? Questions will inevitably lead to disputes which will inevitably wind up, under the current bill, flooding the Federal district court of this country.

And I can assure every Member of this body that if this bill becomes law, 1 year from now we are going to be hearing from employees and companies complaining about delays and costs associated with this bill.

I remind my colleagues that barely 5 years ago we thought we could improve the fairness in the distribution of employee health benefits and pass something called section 89. It did not take long for everyone in the real world to raise thousands of questions about how section 89 would work. We tried to fix it, but ultimately we had to repeal section 89.

Mr. President, let us make certain that we do not flood the Federal courts with the same type of implementation questions that we faced with section 89.

Mr. President, a brief examination of the statistics confirms my fears about the state of the Federal courts and how this bill will exacerbate the problem.

There are 3 times as many lawsuits filed today as in 1960, and the United States has 30 times the lawsuits per person than Japan. Now, if you want to deal with competitiveness, try that one. In 1990, there were 251,113 total filings in Federal district court. The number of cases pending at the end of 1990 increased from 265,000 to 272,600 cases. Further, the number of cases, and the percentage, that were over 3 years old increased from 22,000, 9.2 percent, to 25,000, 10.4 percent.

These family and medical leave violations are just the sort of claims that should be resolved quickly. After all, an employee who requests and then is denied leave wants fast relief. As we all know, going to Federal court is not a place for efficient claim disposition. Let us take a closer look at the backlog in our Federal courts.

On these charts, I have the documented evidence from the Administrative Office of the United States Courts, the median number of months from issue—when the defendant answers the complaint—to trial. If Senator DODD wants jury trials, then every Senator ought to know how long, on average, the parties will have to wait for the trial. As we can see, there is quite a backlog.

On average, plaintiffs must wait 14 months from issue to trial. In some States, the average wait is much longer. In Minnesota, it takes 20 months from issue to trial. Senator DODD's constituents in Connecticut must wait 21 months for a Federal jury trial. Some States are simply incredible.

Over here we have a worst cases chart. Our neighbor to the south, Iowa,

has a backlog of 39 months—3 years and 3 months. Louisiana has a backlog of 26 months; the western district of New York has a 29-month backlog; and the western district of Tennessee has a 30-month backlog. In reality, many people are waiting much longer.

Mr. President, what do these abstract numbers really mean? Let us say that on November 1, an employee of General Dynamics Electric Boat Division in New London, CT, takes leave to care for his sick mother. And what happens if General Dynamics refuses to grant him leave? Under Senator DODD's bill, that employee will have to wait until August 1993 and maybe longer, to resolve his dispute with his employer.

Is that what we want for the working families of this country. Do we want them to have to wait 2 to 3 years, and probably far longer to resolve these issues with their employer. Do we need to maintain 2 to 3 years of litigation tension at the workplace between an employee and his employer?

Mr. President, if the employee is unfortunate enough to have to deal with the courts of Iowa, he or she is going to have to wait until January 1995 to get this dispute resolved.

Mr. President, the incredible backlog of court cases in this country is precisely the reason that many Senators have been looking at alternative dispute resolution mechanisms to resolve product liability, and medical liability issues. We ought not be considering expanding the backlog in our courts through creation of new Federal rights of action.

If justice delayed is justice denied, then I do not believe that providing employees with access to Federal jury trial can be characterized as dispensing justice.

I ask unanimous consent, Mr. President, the tables indicating the median time from issue to trial be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DURENBERGER. The trend toward more court backlogs likely will continue. According to the Director of the Administrative Office of the U.S. Courts, "criminal felony filings * * * increased 9 percent in 1990 * * *" With crack cocaine users and drug kingpins flooding our court system, I see no need to create a new civil cause of action. It seems to me that we should be focusing on ways to avoid going to court, rather than creating new ways to get people into the courtroom. We must learn to allocate our scarce resources effectively, and the Dodd jury trial provision takes the country in the wrong direction.

I want the country to recognize that we are squandering precious resources. Forbes estimated that individuals, business, and government spend more than $80 billion in direct litigation costs, and $300 billion in indirect litigation efforts. And for their effort, plaintiffs wind up with only 43 percent of winnings from lawsuits. Lawyers and the court fees siphon off the rest.

I say to my colleagues, the politician who probably went up the highest in the polls during the month of August this year was the Vice President of the United States because of his appearance at the American Bar Association, and what we had to say about this problem.

But we can take one small step today to change the dangerous litigious trend we are facing. My binding arbitration amendment will assist employees in achieving prompt, efficient dispute resolution. Under my amendment, plaintiffs will file a complaint with the Department of Labor, and that Agency will provide a list of arbitrators from which the parties can choose. The hearing must be scheduled within 60 days of choosing the arbitrator. This timetable assures prompt resolution of these important claims.

After the hearing, the arbitrator must issue a written opinion, which may provide for equitable relief, including reinstatement, backpay, and/or a cease and desist order. In no circumstances may the arbitrator award compensatory or punitive damages.

The arbitrator's decision shall be reviewable under standards set forth in the Federal Arbitration Act, a statute enacted in 1925 to reverse centuries of judicial hostility to arbitration agreements. I quote from *Shearson American Express* v. *McMahon*, 482 US 220, 225 (1987). A party may seek modification or vacation of the arbitrator's award if the award was procured by corruption or other improper means, if the arbitrator exceeded his powers under the act, or if the arbitrator committed a material error of law.

This limited review grants the parties full due process rights to assure a fair and equitable result, without giving the losing party a second bite at the apple by appealing a decision that should be upheld at the hearing level.

I would like to focus for a moment on due process rights of the parties, because I know that some Senators will be concerned about taking away the employees' right to a Federal jury trial.

The Supreme Court just a few short months ago approved the arbitration of an Age Discrimination in Employment Act [ADEA] claim. In *Gilmer* v. *Interstate/Johnson Lane Corp.*, 111 S.Ct. 1647 (May 13, 1991), the Court upheld an agreement to arbitrate an employee's age discrimination claim against his employer.

Significantly, the Court stated that there is a broad Federal policy favoring arbitration.

It is by now clear that statutory claims may be the subject of an arbitration agreement, enforceable pursuant to the [Federal Arbitration Act]. Indeed, in recent years, we have held enforceable arbitration agreements relating to claims arising under the Sherman Act, the Securities Exchange Act of 1934, and the civil provisions of the Racketeer Influenced and Corrupt Organizations Act. (citations omitted). *In these cases we recognized that "by agreeing to arbitrate a statutory claim, a party does not forgo the substantive rights afforded by the statute;* it only submits to their resolution in an arbitral, rather than a judicial forum." *Gilmer*, 111 S.Ct. at 1652.

The Supreme Court has recognized that antitrust claims, where treble damages and attorneys fees are at stake, can be arbitrated. The Supreme Court has recognized that Securities Act violations, where public rights and the public interest in maintaining the integrity of the securities market are at stake, can be arbitrated. And the Supreme Court has held that age discrimination claims, where the public interest in enforcing our employment laws is at stake, can be arbitrated.

Given these statements by our Supreme Court, it seems clear that binding arbitration is capable of vindicating important statutory rights. Arbitrators are competent to interpret Federal statutes, and in particular, those statutes include Federal laws that have important societal effects. How can proponents of this bill claim that binding arbitration is similar to the Fair Labor Standards Act, and yet reject a Supreme Court case that allows arbitration of an employment-related age discrimination case?

Most important, Mr. President, the arbitration mechanism is necessary because employees cannot find lawyers to take discrimination cases. I previously mentioned that there is a tremendous backlog of cases in Federal court. Employees who believe they have a meritorious claim will either hire a lawyer on a per hour basis, or on a contingency fee basis.

If the lawyer agrees to a contingency fee arrangement, then the lawyer will not get paid anything until the court renders final judgment. With the backlog in the courts averaging 14 months from the time the employer answers the complaint to the time of trial, and with many States registering backlogs of 18 to 22 months, many potential suits never see the light of day.

Only very wealthy plaintiffs, can muster the resources to pay a lawyer on a per hour basis for a 1½ to 2 years. These cases are never brought, and again, the employee is the one who loses.

I ask unanimous consent at this point that a recent article printed in the New York Times entitled "Workers Find It Tough Going Filing Lawsuits Over Job Bias" be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DURENBERGER. Finally, Mr. President, there are many cases that never should be filed. Frivolous lawsuits abound, and employers wind up settling cases in order to dispose of them quickly.

One short example. With the backing of expert testimony from doctors and members of the police department, a woman claiming psychic powers was awarded $1 million when she persuaded a Federal jury she lost her psychic powers following a CAT scan. That, too, was a waste of resources. My amendment will allow both employers and employees either to handle disputes themselves or hire lawyers. But the will get an efficient and a quick hearing.

Both parties will find themselves ahead of the game. I am confident that the bill sponsors will claim that the S. 5 enforcement mechanism is in the best interest of the employee, but I think between the backlog in the courts, the fact that plaintiffs cannot find attorneys, that binding arbitration is in the best interest of the employees.

I believe the binding arbitration amendment has great merit. It is an idea that has been successfully applied to other employment discrimination statutes, and I hope the authors will admit that it is properly applied to family medical leave. I encourage my colleagues to support it.

Mr. President, I ask unanimous consent that a series of questions and answers on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS

How does the binding arbitration provision work?

An employee alleging a violation of the Family Medical Leave Act ("FML") may file a complaint with the Department of Labor. The DOL will send a list of seven arbitrators, two of which shall be from the Federal Mediation and Conciliation Service.

A hearing will be scheduled within 60 days. The arbitrator will preside over the hearing, and take evidence as appropriate. The arbitrator then issues a written opinion.

What type of claims would be subject to arbitration under the Durenberger amendment?

There are two types of claims that will arise. The first is denial of leave, where the employee requests and then is denied leave by his/her employer. The key issue will be whether the employee has met the requirements imposed by the Act—acquired the proper certification of illness, complies with the employer notification requirements, etc. These are simple factual questions that labor arbitrators, interpreting collective bargaining agreements, have vast experience with.

The second is when a person claims discrimination after exercising their rights under the Act. For example, a person is denied a promotion, discharged, or otherwise discriminated against in the terms and conditions of employment after taking family leave. This also constitutes a simple factual inquiry, which, again, arbitrators routinely decide. [Example: Was the person discharged "for just cause" as required by the collective bargaining agreement, or was the employer's reason for discharging the individual a "mere pretext."]

What type of Discovery will be available?

The Department of Labor will issue regulations providing for appropriate discovery. I must express my concern that the Department provide for a fair, equitable process. The Supreme Court noted in *Gilmer* v. *Interstate/Johnson Lane* and *Shearson American Express*, two recent Supreme Court decisions approving arbitration of Age Discrimination Act, RICO and antitrust claims, that those types of claims could be arbitrated, so long as they provided "a fair opportunity" for the parties to present their claims. *See Gilmer* 111 S.Ct. at 1655.

In the Court's view, "although these procedures might not be as extensive as in the federal courts, by agreeing to arbitrate, a party trades the procedures and opportunity for review of the courtroom for the simplicity, informality, and expedition of arbitration." *Gilmer*, 111 S.Ct. at 1655.

As long as the DOL regulations provide a "fair opportunity for employees to present their claims, then the sponsors believe that the intent of Congress will be satisfied.

The plaintiffs in *Gilmer* has limited discovery available.

What kind of judicial review will be available?

Either employers or employees may seek modification or vacation of an arbitrator's award based on well-established standards set forth in the 1925 Federal Arbitration Act. Thus, an award may be set aside if procured through fraud or corruption, if the arbitrator exceeded his powers under the Act, or if the arbitrator exhibited material error of law. A court could not reinterpret the disputed facts as found by the arbitrator.

Is there a due process problem with not providing a federal court remedy?

There is no due process problem. The Supreme Court has upheld the arbitration of federal statutory claims, including Age Discrimination in Employment Act (ADEA) claims. As long as the arbitral forum provides a "fair opportunity" for employees to vindicate their statutory rights, then the Supreme Court has allowed arbitration of such claims.

However, if there is any doubt as to the Constitutionality of this amendment, then we could agree to provide expedited review from the appropriate federal court.

Are there people currently in the workforce who are qualified to serve as arbitrators?

The Federal Mediation and Conciliation Service (FMCS) currently maintains a list of at least 1,700 qualified arbitrators throughout the country. Under the Durenberger amendment, the Department of Labor would provide a list of 7 arbitrators to the parties, 2 of which would be derived from the FMCS list.

The American Arbitration Association, a nonprofit corporation specializing in arbitration services, maintains a list of * * * arbitrators.

How much do cases cost to arbitrate?

Although individual costs vary depending upon the complexity of the case, most arbitrators charge about $450/day. Because Family Medical Leave cases will probably require one day for the hearing, and the arbitrator will probably take one day to write the opinion, the arbitrator should charge about $1,000 for the hearing.

Under the Durenberger amendment, the parties could hire lawyers to handle the hearing, or they could represent themselves. Assuming that the employee hired a lawyer, it probably would take about two days to review the employment file and interview witnesses, and one day to actually do the hearing. If the lawyer charged $500/day, then the employee would be expected to pay up front $1,500 for legal fees and half the arbitrator's fee ($500). This $2,000 amount is quite small compared to the thousands of dollars it takes to litigate a case to trial in federal court. Handling the pretrial motions alone in federal court would take longer than the whole arbitration proceeding.

Would the employee have to pay for his/her attorneys' fees and arbitration costs if the employee prevailed?

No, under the Durenberger amendment, the arbitrator, in his discretion, may award the prevailing party attorneys fees and arbitration costs. Thus, it might not cost the employee anything at all to take his or her claim through the arbitration machinery if he or she prevailed on the merits of the dispute.

Is it not true that, in aggregate, arbitration claims can cost the same amount as ordinary civil litigation because most arbitration claims are pursued through to trial, while most civil lawsuits settle before trial?

No, arbitration is less expensive and much faster at resolving disputes. Both labor and management arbitrate contractual disputes on a regular basis with great success. There is no reason to make a federal case out of every dispute that arises in the workplace.

Moreover, although proponents of Family Medical Leave argue that a jury trial is necessary, the fact is that 98 percent of all civil cases settle before trial. This suggests that the vast majority of litigants prefer a private settlement procedure to a federal court proceeding. So why not save time and money and legislate toward providing that private dispute mechanism?

What type of Remedies are available to the arbitrator?

The Durenberger amendment is modeled after Title VII of the Civil Rights Act of 1964. Accordingly, it allows the arbitrator to award reinstatement, backpay, or other make-whole equitable relief that the arbitrator deems appropriate. Under no circumstances would pain and suffering or punitive damages be available.

Median time from issue to trial date by State

State	*Months*[1]
Alabama:	
Northern	9
Middle	9
Southern	14
Alaska	22
Arizona	20
Arkansas:	
Eastern	12
Western	7
California:	
Northern	16
Eastern	20
Central	12
Southern	18
Colorado	17
Connecticut	21
Delaware	17
District of Columbia	12
Florida:	
Northern	23
Middle	13
Southern	11
Georgia:	
Northern	19
Middle	16

State	Months[1]
Southern	12
Hawaii	14
Idaho	21
Indiana:	
Northern	15
Southern	19
Illinois:	
Northern	12
Central	17
Southern	10
Iowa:	
Northern	39
Southern	14
Kansas	20
Kentucky:	
Eastern	18
Western	19
Louisiana:	
Eastern	11
Middle	26
Western	22
Maine	14
Maryland	11
Massachusetts	30
Michigan:	
Eastern	14
Western	17
Minnesota	20
Mississippi:	
Northern	18
Southern	15
Missouri:	
Eastern	10
Western	15
Montana	21
Nebraska	16
Nevada	17
New Hampshire	21
New Jersey	23
New Mexico	18
New York:	
Northern	26
Eastern	19
Southern	19
Western	29
North Carolina:	
Eastern	12
Middle	19
Western	15
North Dakota	20
Ohio:	
Northern	13
Southern	18
Oklahoma:	
Northern	12
Eastern	7
Western	11
Oregon	11
Pennsylvania:	
Eastern	12
Middle	10
Western	24
Rhode Island	12
South Carolina	8
South Dakota	11
Tennessee:	
Eastern	13
Middle	11
Western	30
Texas:	
Northern	17
Southern	23
Western	11
Eastern	11
Utah	14
Vermont	13
Virginia:	
Eastern	5
Western	13
Washington:	
Eastern	17
Western	17
West Virginia:	
Northern	23
Southern	13
Western	13
Wisconsin:	
Eastern	20
Western	7
Wyoming	9

[1] Months.

Worst Cases in median time from issue to trial date by State

State	Months[1]
Iowa: Northern	39
Louisiana: Middle	26
New York:	
Northern	26
Western	29
Western	30
Tennessee:	

[1] Months.

EXHIBIT 2

WORKERS FIND IT TOUGH GOING FILING LAWSUITS OVER JOB BIAS

(By Steven A. Holmes)

ALBANY, GA.—John Henry Smith Sr., a black employee of the Dougherty County Health Department, wanted to sue his employer with a claim of racial bias when he was passed over for a promotion. But, like an increasing number of people who want to file such suits, he could not afford the up-front cost of a lawyer and could not find one willing to take his case on a contingency basis.

He tried several lawyers in Albany. Then he tried in Athens, Atlanta, Columbus and Macon. The last one turned him down two weeks before the statute of limitations on his case was to run out.

YOU EDUCATE YOURSELF

Frantic, Mr. Smith decided to represent himself, though he is a high school dropout with a General Educational Development certificate. So far, by spending late nights in the local courthouse library, reading law books, Mr. Smith has managed to file the necessary court papers.

"It takes a whole lot of time 'cause you don't know what you're doing," he said. "But you kind of educate yourself as you go along."

As the nation wrestles intellectually and politically with the issue of civil rights, the legal system appears to be growing increasingly inhospitable toward individual race and sex discrimination cases. Lawyers more and more are turning away such cases, say experts in employment law and lawyers representing plaintiffs and employers.

They say the cases are time-consuming, difficult to win and bring far less money than other civil litigation like personal-injury suits, which permit punitive damages.

Lawyers themselves say, moreover, that they face increasingly conservative judges who are bored by, if not downright hostile to, such cases.

While much of the evidence is anecdotal, a survey conducted in May by the National Employment Lawyers Association, a group made up of about 1,000 lawyers for plaintiffs, found that 44 percent of its members rejected more than 90 percent of the job-discrimination cases that had been brought to them.

Last year, a committee of lawyers and judges appointed by Congress to study the Federal court system noted that the monetary stakes in some job-discrimination cases might be so small that "even with the potential to recover attorneys fees, claimants sometimes find it difficult to litigate in Federal court because they cannot find counsel to take their cases."

Sometimes, but not often, plaintiffs who cannot find lawyers receive court-appointed counsel. Sometimes they then elect to represent themselves, though they tend to be unschooled in the complexities of the law.

"They're getting killed in court," Jeanette Johnson, a civil rights lawyer in Dallas, said of the poor blacks and women who represent themselves. "It's like sheep to the slaughter."

Most often, experts say, those who seek to bring such cases simply abandon the thought of getting any redress in the Federal courts.

"What happens is that they end up not being able to enforce their rights," said Lex Larson, president of Employment Law Research, a North Carolina concern that publishes manuals on labor law. "They go out and find another job, and forget the whole thing."

HIGH COURT'S EFFECT

Experts say the growing reluctance of lawyers to take on job-bias claims is a trend that was intensified by a number of Supreme Court decisions making it harder for plaintiffs to bring such cases. A bill to reverse these decisions has been stalled in Congress by a dispute over whether it would compel employers to adopt hiring and promotion quotas.

Many lawyers say they are hampered by two Supreme Court decisions. The first, in 1982, limited their ability to bring large and potentially lucrative suits on behalf of whole classes of plaintiffs; the second, in 1989, virtually barred them from winning large monetary awards in race-discrimination suits, except those involving hiring. Claims alleging bias in hiring are a small minority of job-bias suits.

Plaintiffs's lawyers say they end up representing small individual claims brought by poor or working-class blacks or women who often cannot pay their normal rates. If they prevail, they say they often end up squabbling with judges over how much the losing party must pay them in fees.

"It's extremely difficult to earn a living in employment discrimination, virtually impossible," said Martha Pearson, an Atlanta lawyer who last November, after 10 years, quit a firm that represents plaintiffs in job-bias cases and joined a firm that represents local school boards in Georgia.

DIFFICULTY WITH SUITS

Amy Totenberg, an Atlanta lawyer who has been litigating job discrimination for 14 years, said: "The case has to be so excellent, and you're looking for someone who has some resources to finance it. So automatically you're looking at upper-middle-class people or middle-class plaintiffs."

Even some lawyers who represent employers acknowledge the difficulty in plaintiffs' winning discrimination suits and the difficulty for lawyers to earn a living handling such cases.

"You don't have the big easy class-action cases you had in the 1970's and 1980's, where you could get a big dollar settlement and attorneys fees over relatively simple issues," said Lawrence Z. Lorber, a Washington lawyer who represents large corporations. "Now, there are testing cases where you need experts and a lot of up-front money. It's an arena where the targets are fewer, the issues are more complex and the litigation takes longer, because the courts are jammed."

Plaintiffs who must fend for themselves in Federal court enter a bewildering world of procedures and jargon that make small-claims court seem user-friendly by comparison.

With legal papers spread before her on a mahogany table, Muarlean Edwards of Al-

bany prepared to represent herself in a job-discrimination lawsuit against a local hospital.

But when a visitor asked her whether the hospital's lawyers had filed a motion for summary judgment, a routine legal maneuver asking the judge to quickly decide the case in the defendant's favor, Mrs. Edwards's face went blank.

"What is that?" she asked. "Is that when they set how much you're going to get?"

BIG BACKLOG IN AGENCY

While private lawyers seem more and more reluctant to take race- and sex-bias cases, the Federal Government is not picking up the slack. In the 1990 fiscal year, the Equal Employment Opportunity Commission, the Federal agency charged with enforcing job-discrimination laws, filed 524 lawsuits in Federal courts. While this is an increase over the 486 suits in 1989, the agency has a backlog of about 45,000 cases that have yet to be even investigated.

Unless the plaintiff cannot find representation elsewhere, current Federal regulations preclude Legal Aid Societies that receive Federal funds from taking on cases, like employment-discrimination lawsuits, that can generate fees for lawyers.

Because of these rules, these agencies concentrate their limited resources on other areas of civil litigation, like family law, welfare rights and landlord-tenant disputes, said Clinton Lyons, executive director of the National Legal Aid and Defenders Association, a group representing Legal Aid Societies and public defenders offices. As a result, Mr. Lyons said, lawyers in these agencies tend not to have the expertise to handle job-bias suits.

In contrast to race- and sex-discrimination cases, lawyers say there is little hesitation in taking on clients who claim age discrimination. Those cases tend to be more lucrative because, under Federal law, juries can award monetary damages equal to twice the amount of back pay that was lost because of the discrimination. Also plaintiffs in age-bias cases, who are often white male executives who have lost their jobs as a result of a company cutting management positions, are more attractive clients than blacks, Hispanics or working-class women, some lawyers say.

"Age discrimination is still the white males preserve," said a Washington lawyer who represents employers, speaking on condition of anonymity. "Typically, the plaintiff is a middle- or upper-management employee who has been laid off. They are much more sympathetic figures to juries. More importantly, they make bigger salaries so they can pay the upfront costs of litigation. And, if you win and get a back pay award, the amount the lawyer gets is even bigger."

For now, plaintiffs like Mr. Smith who are walking into court alone must rely on their own common sense and perhaps a sympathetic ear on the bench.

"I hope to keep going until the judge tells me this isn't right, do something else," Mr. Smith said. "I couldn't live with myself if I stopped now."

Mr. DURENBERGER. Mr. President, I reserve the remainder of my time.

Mr. DOMENICI. Will the Senator yield 5 minutes to the Senator from New Mexico?

Mr. DURENBERGER. I yield 5 minutes to my colleague.

Mr. DOMENICI. I thank the Senator and assure him I am going to speak in favor of his amendment.

Frankly, Mr. President, I do not stand up to speak of the technicalities of the court remedies versus arbitration remedies if and when this new right comes into being. I speak today about common sense, and the common sense is, if we are going to create some new rights in the marketplace of America, we ought to learn from the past. The past tells us that, if we create these rights and let the courts of America and the lawyers of America and the juries of America get involved in deciding the rights, the wrong people will benefit. Those who have been discriminated against, or those who have been harmed by the law will get little, if anything, of the proceeds of this kind of litigation. I do not know why.

I confess to the Senate—and it is a confession in these days—that I am a lawyer. I cannot do anything about that. I just happened to be one a long time ago when I came here, so I guess I still am. I will also tell my colleagues that I think my family is going astray because three of my children are lawyers. I am trying to talk the rest of them into not being lawyers, but I am not sure it will work. I am hopeful not all of them will be.

We will just be ruining America even worse than is occurring now. From what I can tell, the economy of the United States has a new dimension and a new way of predicting, and it is this, I say to the Senator from Minnesota. You can predict American prosperity like this: It will be inversely proportionate to the number of lawyers in the practice of law in America in any given year. It seems to work. I am sure it is not the only result, but it does point up something very interesting.

The person who came up with that is the CEO for Martin Marietta, Norm Augustine, who wrote a book about America and took a full chapter to talk about litigation, what it does of a detrimental nature to the United States and, in the process, helps little, if any, in particular those who ask for the help in the first place.

So I am here to suggest that for those who want the people of this country to receive this new benefit, I am not at all sure this benefit is going to become law this time around. I am not at all sure the proposal on the underlying bill is the right one. I am not at all sure that giving the kind of 12 weeks of unpaid benefits with the right to go back to work is the right thing to do.

But let me assure my colleagues of two things: One, it is not free. It will cost somebody, and, hopefully, before the day is out, I will speak to that as it pertains to the American economy. It is interesting that in the same week that we are talking about unemployment in America, the recession in America and the Democrats are proposing more unemployment compensation and the Republicans are proposing to extend unemployment benefits, we are today talking about a new benefit that will cost the workers of America and ultimately the employers of America, who will produce less jobs because they will make less money, and anybody ought to know that. But we will talk a little more about that later.

For now, let me suggest we would be doing everyone a favor including those who might be denied the rights created by this bill, if we decided to make a new start in behalf of remedies and to say they are no longer going to the courts of America to be handled by the lawyers of America on contingency fees so that those who should get benefits will not and before we get them 2 or 3 years will pass and clog the courts, which are already having difficulty getting anything significant and right done because we are asking them to do the impossible.

So I think we ought to adopt the formula and the idea of the distinguished Senator from Minnesota [Mr. DURENBERGER] and his cosponsor, who I understand is the Senator from Kansas [Mrs. KASSEBAUM]. I think it is a good step in the right direction to send that signal today. Whether or not this bill becomes law, we will have taken a very good step.

I say to my friend, Senator DURENBERGER, so he will know I am serious about this, another committee that he sits on and will have hearings on hopefully is a subject that has to do with medical malpractice. That is another one where the courts, the jury system is providing absolutely ruinous in terms of costs on every American in health care versus the benefits received. I hope when that comes before the distinguished Senator, we will also be talking about overhauling that court system in favor of something that is more apt to work.

I thank the Senator for yielding, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I yield 7 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont [Mr. JEFFORDS] is recognized.

Mr. JEFFORDS. Mr. President, I reluctantly rise in opposition to the amendment. A great deal of what has been said I agree with. There is no question but we have become a litigious society and lawyers oftentimes prove to be the only winners. Therefore, I do favor such things as reform in court liability situations and medical malpractice and other things where we do get into the kind of deep-pocket theory that an injustice has occurred, maybe it is not a legal one, but we should go after somebody with deep pockets and get what we can from settlement or going to court.

However, that is not the situation that we face here. We face the option,

which is presented by the Senator from Minnesota, that says that you will have one option, not two as the present bill has, one, to go to court and, two, to use the present procedures under the Fair Labor Standards Act, which I will get into in a minute. You have two options under the present bill, one of which could lead to the kind of situation to which the Senator referred under certain circumstances. On the other hand, the other option, which is an equitable one and used now by many claimants, in fact just about all of them if not all of them, is under the Fair Labor Standards Act. Most of those are resolved without any court action.

What the Senator from Minnesota does is limit it to an arbitration, a binding arbitration agreement, a situation which, to my knowledge, except in rare circustances involving certain patent things and those sorts of things, is not a remedy which is available. And why not? Because you do not have the protection of the courts, you do not have the protection of juries, you do not have the protection of normal systems, and you only get into binding arbitration in our society when you have bargained for it in your own contracts and said, OK, it will be better for us if we take care of these kind of problems by getting an arbitrator to come in, usually in union bargaining agreements, et cetera, so the resolution can be made listening to a third person without the delays of the court system.

But there is another option under the bill presently, and that is a procedure which is set up under the Fair Labor Standards Act at present. In that relief, you can pursue your case yourself or the Secretary can go ahead and pursue it for you. It gives you an opportunity, for instance, to be in the administrative process. There is court protection at the end, I think, although there obviously is one under DURENBERGER, but under the grossest of circumstances, you have the normal process of appeals made through the administrative process under the bill now. Under that situation, it will be much cheaper for you than going through arbitration. Arbitration is going to require lawyers' fees. The argument is that you somehow get away from the lawyers. Very rarely are you going to get into a binding arbitration case without lawyers.

Second, you are going to have witness fees under this amendment, expert witness fees. Going through the administrative procedure in the bill before us, that would be covered in most circumstances by the Government.

So you have two options under the bill at present and you have only one under the Durenberger bill, one which is not used in any other area of the law outside some sophisticated situations.

Second, it would be less expensive. Under the present situation, like 80 or 90 percent of the cases are resolved through settlement in the administrative process and thus it has an excellent system right now.

Before I go to the remedy situation, which is related, the Senator from Connecticut [Mr. DODD] showed how small the cost would be to employers by implementing this provision of the bill. He has pointed out it would be something like $5.30 for the year to be able to handle these kinds of situations.

In my own experience, in my office, we have had this in effect now ever since we introduced the bill, and we have not had a single period of time that we have had to resort to using the provisions.

So I want to make sure people understand that, one, the possible cost to the employer is very small and, second, and perhaps in some sense unfortunately, the number of employees covered is not very large either. For instance, as has already been pointed out, 95 percent of the employers are eliminated, a substantial number of employees are eliminated. And then when you get to that population which is probably the most likely to use it, that is, the workers between 16 and 24, 63 percent of these workers, studies show, are only in employment for a year or less, which means that 63 percent of the employees would not be covered, would not receive any remedy under the bill that we are backing. And from the age group of 25 to 34, about a third of them would not be covered because they worked for less than a year, a year or less.

So we have already a symbolic bill to most, certainly the younger generation, yet an important step forward to try to bring equity in this Nation with respect to the other industrialized nations in the world.

So I would hope, again just in summary, to point out we oppose the Durenberger amendment, those of us who are for the Bond-Ford-Coats amendment, because it limits much more your remedies that you have available to you to receive recovery. And again, I remind you that the maximum you could get is double the loss paid or benefits that you did not receive. So it is a pretty limited bill to start with. But the remedy it has is a much more equitable and better one than the amendment offered by the Senator from Minnesota.

Mr. President, I rise in strong support of the Bond-Ford-Coats substitute for the Family and Medical Leave Act, S. 5, reported by the Senate Labor Committee.

I commend my colleagues, particularly my Republican ones, for cutting through the rhetoric and coming up with a realistic way to help the working people of this country, their children and their spouses.

You could carpet the Capitol with all the nice speeches we politicians give on supporting the family. But today, we will see who puts their vote where their mouth is.

America has changed remarkably over the past few decades, and our workplaces are no exception. More and more women are entering the work force. For the vast majority, this decision is driven by stark, economic necessity.

We do not have the happy family of "Father Knows Best" or "Leave it to Beaver." We have families of divorce, of poverty, of scratching out a living only a pay check or two away from foreclosure.

As our workplace changes, so, too, must the rules that govern it. Some employers have adapted. Employers in my State have put these sort of policies in place and testify to their contribution to a stable, productive workplace.

The evidence from those States that have legislated similar policies is clearly on the side that this type of approach is not burdensome for employers. And without doubt, it benefits employees and their families.

The arguments against this legislation have been discredited by their own shrillness. The cost of this legislation may be debatable, but it certainly is not substantial.

Who's covered? About 5 percent of the employers in this country. And even of the covered work sites, substantial numbers of workers will be ineligible for coverage.

Under the Bond compromise, workers will have to be on the job for a year before they are eligible for any leave. What does this mean? Well, 63 percent of all workers 16 to 24 have been on their job for a year or less, and 31 percent of workers aged 25 to 34 have an equally brief tenure. Combine the 2 and some 43 percent of young workers of prime childbearing age may be ineligible.

And beyond these basic numbers, another 10 percent of workers may be ineligible under the key employee exclusion. Even more are exempt due to their part-time status.

Thus, I think it should be obvious on its face that the reach of this legislation affects a limited population of workers.

And of those eligible, will they suddenly avail themselves of week after week of unpaid leave? Not very likely.

I have had this policy in my own office for years now, and I do not think that any employee has asked for a single day of unpaid leave for family or medical reasons.

With medical bills to pay, with the mortgage or rent due, few employees will make this decision lightly. But those few deserve our protection. When their back is up against the wall, when a true and tragic emergency strikes, parents will sacrifice their jobs for their family.

Why on Earth should they? If all of our prose is worth anything, we ought to be able to spare them from making this sacrifice. We ought to be able to craft legislation that will balance the real needs of employers with those of employees.

In fact we have. Mr. President, I urge the overwhelming adoption of the Bond-Ford-Coats compromise.

The PRESIDING OFFICER. Who yields time?

Mr. DURENBERGER. Mr. President, I believe I have just under 6 minutes remaining. I intend to take a couple of those minutes, but in case anyone else needs to speak in opposition——

Mr. DODD. Mr. President, if my colleague will yield, I thought the Senator had more time remaining than that. Let me yield 2 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland [Ms. MIKULSKI] is recognized.

Ms. MIKULSKI. I thank the chairman of the committee for yielding. I thank him for his leadership on this issue.

Mr. President, I want to speak in behalf of the family leave bill, to point out that this is not some huge act of congressional or corporate kindness. It sets minimum standards of decency and compassion for America's families and gets our workplace ready for the future. This measure is good for business and good for American families. The facts speak for themselves.

A recent Small Business Administration study showed that it cost business more to replace an employee than it does to grant them extended unpaid leave if they need to care for a family member.

Arguments against unpaid family leave are both outdated and shortsighted.

First, let us face it, when we talk about taking care of the family, where there is illness, particularly chronic illness, women are the ones who must take time off to care for the family. Our work force depends more on women than any other Western democracy, except for Scandinavia and Canada, and yet it does the least for them to be able to meet those dual responsibilities. It makes sense to give that work force leave when it is desperately needed. It is a way to retain loyal and trained workers.

Second, it is in the best interests of companies not to have the workers on the job who are under severe stress. They have accidents and their productivity is below par.

It is time for American business to get a reality check.

Most families have two wage earners just to get by. The days of Ozzie and Harriet are over. Eventually those wage earners will have family medical needs. It makes good business and common sense to give them the time they need to take care of their crisis and then get back to work. This is what our country needs.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Connecticut has 20 minutes and 20 seconds remaining.

Mr. DODD. I yield 6 minutes to the distinguished Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished colleague. I certainly share the concerns that have been voiced by our colleague from Minnesota about the potential for adopting new legislation which would cause an explosion of litigation. That was, frankly, one of the amendments that I made to the underlying bill. I was fearful that a quadruple damage provision could develop a whole new bar, filing suits on family and medical leave.

What we hope to adopt in this substitute is a mirror image of the Fair Labor Standards Act. Under that act, there would be single damages only, or, if the employer were in flagrant violation, willful violation of the law, possibly double damages.

As I understand it, Mr. President, and I think this is one thing we may need to clarify, right now 97 percent of Fair Labor Standards Act cases are settled without litigation.

The question has been raised: will this spur a whole new growth industry in litigation? I honestly do not think so. But if it should, if the Fair Labor Standards Act is producing far more litigation than remedies, then I think I would join with my colleague from Minnesota to urge an administrative review so that we could change the procedure.

But, Mr. President, this debate is about protecting a person's job at no pay, and I believe that the enforcement standards will enable employees to keep their jobs and to take leave that they need.

Ninety-five percent of American businesses would be exempt. Only the largest 5 percent would be covered. We are not talking about paid leave. No worker is required to get paid leave under the legislation. No small business under 50 employees will be covered.

Let me make it clear. I oppose any mandated paid leave. I oppose it today. I will oppose it tomorrow. And to say that this is the beginning for paid leave, I can say that there are quite a few of us who support this who will be here to say no. We support leave with health insurance but not with pay.

I do not think it is appropriate to make the argument on hype now. The argument has been made that this is a yuppie protection bill. My colleague from Utah has said that. No one could afford to take this leave.

That argument might apply even better to a 6-year leave or an extended leave. One of the major premises behind the amendment we offer today is to ensure that people would not be using this to take a 12-week vacation every year. That is the point raised by my colleague from Mississippi.

In drafting the compromise, we worked hard to eliminate the potential for abuse, to ensure that it is taken only in those needy situations. We have tightened the definition of serious health condition for self and for family members. We have required 30 days' notice for leave in most cases. The fact that most women in the work force have husbands earning under $18,000 per year, or single parents, means that most families would be unable to afford leave except that which is absolutely necessary. It would result in temporary income loss, which is a tremendous disincentive. But it would not result in permanent job loss and it would not result in loss of health care benefits.

The GAO has said that they project only 1 out of 275 employees would be taking that leave each year. Workers will take unpaid leave so that they may be with a child who has leukemia, a spouse has been in an accident or if they have parents who have suffered heart attacks or strokes.

Around lunchtime today, my colleague from Connecticut made a very powerful argument that, among the 100 colleagues in this body, one Member took off time and was away from work when his child was injured in a very serious auto accident. He did not lose his job, and nobody begrudged him that time off.

Another has taken time off when a child had cancer. Another has taken time off for a transplant. Another for a family emergency. We all kept our jobs. I have taken weeks off for a serious medical emergency, an operation. Other colleagues have taken time off for their serious health conditions. I believe that the same kind of protections can be reasonably had, although we will not provide paid leave for workers at the lowest end of the economic scale, those at low-wage levels.

There is an argument that has been made that in the time of a recession it is not time to put a new burden on businesses. Unfortunately, in the time of recession is just when those who we seek to protect most need that protection. In a rough economy, Americans look to us for leadership, for protection, and for support—not stalemate or inaction.

I think we ought to point out in closing that, in States where family leave laws have been implemented, there is no evidence correlating family leave requirements with a negative effect on business employment or, in fact, in business growth. Studies have shown there is a positive correlation between

State parental leave laws and small business expansion.

Finally, our colleague from New Mexico has worried about the cost. This legislation will cost the 5 percent largest businesses in the Nation less than $5.30 per year per covered worker. This, to me, is not going to result in a tradeoff with other benefits. It is, in fact, a very valuable protection for the worker, the employee, who has a serious family situation.

Mr. President, I yield the floor.

I thank my distinguished colleague from Connecticut.

Mr. DURENBERGER. Mr. President, I yield 2 minutes to my colleague from Oklahoma.

Mr. NICKLES. Mr. President, I rise in support of Senator DURENBERGER'S amendment. I compliment him for it. It is an amendment that needs be agreed to if this bill becomes law. I hope this legislation does not become law, but certainly this amendment should be adopted.

I will tell you. I happen to have a little experience in the private sector. I have been in Federal court. I heard my colleagues say this is a Fair Labor Standards Act, and commonplace. I tell you that I have been before the Federal district court where it took over a year to hear our case. We spent thousands of dollars, trying to accumulate the data.

We had to come up with endless records. Basically, it was an harassment suit that we did end up winning. However, we did not really win. We won the court case, but the attorneys were the real winners. We paid a lot of money to our attorneys. The other attorneys made a lot of money.

But what was the resolved? Nothing. It added to the ever growing court case backlog which, in my State, is about a year—nationally, it is longer than that.

So I think the Senator from Minnesota, Senator DURENBERGER, has an outstanding resolution to this problem: Let us handle it through arbitration. I compliment him on his amendment.

Let me make it clear in this short statement that I am not against parental leave. As a matter of fact, in my company, we had paid maternal leave. We had paid sick leave. We offered paid benefits for those who needed it. If they had a child or family member that was ill, or if they had a serious problem, we allowed them to take the time they needed. We did not put a time constraint on it by 2 weeks, 3 weeks or 12 weeks. It depends on the illness; it depends on the situation at home.

Mr. President, let us not dictate and mandate on businesses throughout America what Congress deems is necessary. Let us allow that to be decided between the employers and employees and allow them to be flexible in working out what is mutually beneficial, not what is dictated by Washington, DC.

I thank my friend and colleague from Minnesota.

Mr. DURENBERGER. Mr. President, I yield myself such time as I may need.

Part of my response is to the objection that certain of these cases are going to take forever, cost a lot of money, and create problems for the employees and the company.

The other part is a bulk of these FLSA cases are minimum wage cases, overtime, or it is the records of the company that are in contest, not the health status of families, not the health status of relatives, not the intention of an employer in withholding from compensation or something like that. That is the kind of case that is going to get you the result that neither the Senator from Oklahoma, as the employer, nor his employee, sought.

What it all boils down to is simply this: Do we want this bill to work or do we not?

There are valid arguments on both sides over the bill. The proponents are right to say society has changed and our employee's benefit laws should change with it. The opponents are right when they say it is easier said than done; that this bill will not accomplish everything the proponents say it will do.

My amendment offers something to people on both sides. This is a bill that is going to pass. It may even become law.

But I want it to be pro-family. I want it to be pro-worker. The fact that this is a mandate does not kill the bill in my mind. We have lots of mandates. The problem with this bill is it has no way to adequately resolve the problems that it will create. So workers that we are trying to help will spend years in the courts instead of working.

Any new employment bill creates controversies. What does this term mean? What does that standard mean? I suspect this bill, which will affect millions of employees in thousands of settings, will create more than its share of problems.

I am offering an arbitration mechanism. It is fair. It is definitive. And most of all, it is fast, especially compared to litigation. It gets the worker back on the job. It gets the benefits they are entitled to in their pocket, not the lawyers' pocket. And most importantly, it gets everybody back to work.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 1 minute 30 seconds remaining.

THE DEFINITION OF "SERIOUS HEALTH CONDITION"

• Mr. HARKIN. I would like to enter into a colloquy with the distinguished authors of the pending amendment. It is my understanding that under the Bond-Ford substitute the term "serious health condition" means an illness, injury, impairment, or physical or mental condition. It is also my understanding that the term includes those conditions that require inpatient care in a medical care facility or continuing treatment by a health care provider.

In addition, it is my understanding that the term is intended to cover conditions that affect an employee's health to the extent that he or she must be absent from work, as well as conditions that affect the health of an employee's family member such that he or she is similarly unable to participate in school or in his or her regular daily activities. Examples of such serious health conditions include but are not limited to heart attacks, most cancers, back and other conditions requiring therapy, strokes, secondary conditions which accompany certain disabilities, appendicitis, pneumonia, nervous disorders, and injuries caused by accidents on and off the job.

It is also my understanding that this definition of "serious health condition" is intended to include emergency health conditions that require immediate short-term treatment to prevent serious aggravation of the condition or to minimize the likelihood of longer-term illness or injury, or a more severe disability. Severe concussions, which often require a brief but immediate medical treatment to ensure against long-term damage provide an example of such conditions as does the treatment of decubitus ulcers—pressure sores—in people with physical disabilities. I would like to ask the Senators from Missouri and Kentucky, is it the intent of the Bond-Ford substitute to cover such conditions?

Mr. BOND. As the Senator stated, leave is not limited to just those cases of injury or illness, but extends also to "*** a physical or mental condition." It is our intent that if such conditions otherwise meet the requirements of the bill, leave should be granted.

Mr. HARKIN. It is also my understanding that the definition of serious health condition under the Bond-Ford substitute includes conditions that require intermittent visits to a health care provider for treatment, such as periodic chemotherapy treatments for a cancer patient or periodic speech and other therapies for children with hearing impairments or other disabilities. Is that understanding correct?

Mr. BOND. Yes, intermittent care is provided under the bill for qualifying serious health conditions.

Mr. HARKIN. Another question please. Sometimes parents of children with disabilities need to take time off so that they can do such things as monitor and regulate medication levels before their child can safely return to school. Additionally, people with physical and mental disabilities sometimes experience certain conditions which may limit their abilities and require some time off work to get the condi-

tion under control. Is it the intent of the Bond-Ford substitute to cover such conditions?

Mr. BOND. As I pointed out, we intend that such qualifying conditions be covered.

Mr. HARKIN. I have one last question. It is my understanding that the definition of "serious health condition" under the Bond-Ford substitute includes pregnancy and childbirth. For example, a pregnant patient generally receives prenatal medical treatment on an ongoing basis and may be temporarily incapacitated due to severe morning sickness or other complications. She later receives inpatient care for the actual period of childbirth, and receives ongoing medical treatment while she recovers from childbirth—a period of about 6 to 8 weeks for a normal delivery, with longer periods necessary if complications arise. Am I correct in my understanding that pregnancy and childbirth are considered to be serious health conditions under the Bond-Ford substitute?

Mr. BOND. Yes, the definition of serious health condition under this substitute definitely includes pregnancy and childbirth.

Mr. FORD. I concur with the statements of my colleague from Missouri, Senator BOND.●

Mr. DURENBERGER. Mr. President, as I say, I want this bill to work and keep its promises. One of the ways you can make sure it does keep its promises, if it passes here into law, is to vote for this amendment.

With that, I yield the remainder of my time.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the Durenberger amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I may send my amendment to the desk at this time and ask that it be in order to ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? Is there objection to ordering the yeas and nays at this time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I ask unanimous consent that the time for the previously ordered votes be changed to occur at 4:15 p.m.; that the time between now and then be equally divided and in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, my understanding is we are going to try to have 10-minute rollcall votes for all four votes?

Mr. DODD. We believe that is possible. That has to be cleared by the leaders of both sides.

Mr. HATCH. We are hoping that all four votes will be 10-minute rollcall votes, beginning at 4:15, and I presume the leader will tell us if he decides that is the case.

Mr. President, parliamentary inquiry. Are the votes now lined up on this in order, and are they in proper order for voting with regard to the family and parental leave?

The PRESIDING OFFICER. The Chair advises the Senator that the votes are now lined up to begin at 4:15.

AMENDMENT NO. 1249

(Purpose: To provide a substitute amendment)

Mr. HATCH. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], Mr. LUGAR, for himself and proposes an amendment numbered 1249.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Family Protection Act of 1991".

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate stability in United States families by providing reemployment opportunities for eligible individuals who leave employment for legitimate family purposes.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" have the meanings given the terms in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means an individual who meets the criteria established in paragraphs (1) through (5) of section 4(a).

(3) EMPLOYEE.—The term "employee" has the meaning given the term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(4) EMPLOYER.—The term "employer" means any person engaged in commerce or in any industry or activity affecting commerce.

(5) IMMEDIATE FAMILY MEMBER.—The term "immediate family member" means—

(A) a child of a parent;

(B) a current, legally recognized spouse; or

(C) a parent.

(6) LEGITIMATE FAMILY PURPOSE.—The term "legitimate family purpose" means a purpose described in paragraph (1)(B), (2), (3) or (4) of section 4(c).

(7) ORIGINAL POSITION.—The term "original position" means the position described in section 4(a)(2).

(8) PARENT.—The term "parent" means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, or a legal guardian.

(9) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(10) SERIOUS HEALTH CONDITION.—The term "serious health condition" means—

(A) a condition caused by an accident, a disease, or another physical condition that—

(i) poses an imminent danger of death; or

(ii) requires hospice care or hospitalization for extreme emergency care; or

(B) a mental or physical condition that requires constant in-home care.

(11) SIMILAR POSITION.—The term "similar position" means a position at the same location as the original position and with like seniority, status, duties, and responsibilities and equivalent pay and benefits.

SEC. 4. REEMPLOYMENT RIGHTS FOR ELIGIBLE INDIVIDUALS LEAVING EMPLOYMENT FOR LEGITIMATE FAMILY PURPOSES.

(A) REEMPLOYMENT RIGHTS.—An individual shall be entitled to reemployment as described in subsection (b) if the individual—

(1) was an employee of the employer from whom reemployment is sought for not less than 2,000 hours of continuous employment during the 14-month period preceding the provision of notice under subsection (d);

(2) left a currently held position with the employer for a period of time for a legitimate family purpose, as described in subsection (c);

(3) did not accept intervening employment exceeding 17.5 hours per week with any employer during the period;

(4) has provided the notice and documentation described in subsection (d); and

(5) has applied for reemployment as described in subsection (e).

(b) REEMPLOYMENT.—

(1) AVAILABLE EMPLOYMENT.—Except as provided in subsections (f) through (h), an employer shall restore an eligible individual to employment in the original or a similar position, if available at the time the individual applies for reemployment under subsection (e).

(2) SUBSEQUENTLY AVAILABLE EMPLOYMENT.—

(A) NOTIFICATION BY EMPLOYER TO ELIGIBLE INDIVIDUAL.—Except as provided in subsections (f) through (h), if the original or a similar position is not available when an eligible individual applies for reemployment under subsection (e), an employer shall—

(i) so notify the individual; and

(ii) if a similar position becomes available not later than 1 year after the date the individual applies for reemployment under subsection (e), notify the individual of the availability of the position and restore the individual to employment.

(i) MANNER OF NOTIFICATION.—

(i) PROVISION OF ADDRESS BY EMPLOYEE TO ELIGIBLE INDIVIDUAL.—An eligible individual who changes address prior to the date described in subparagraph (A) shall submit the new address to the employer by certified letter.

(ii) DELIVERY OF NOTIFICATION BY EMPLOYER TO ELIGIBLE INDIVIDUAL.—An employer shall make the notification described in subparagraph (A) by a certified letter delivered to the last address provided to the employer by an eligible individual.

(C) TIMING OF NOTIFICATION.—

(i) IN GENERAL.—Except as provided in clause (ii), an employer shall allow an eligible individual, in order to respond to the notification described in subparagraph (A), not fewer than 15 days after the date that the employer relinquishes formal control of the certified letter described in subparagraph (B)(ii) to the postal service, or other bona fide delivery system.

(ii) ECONOMIC REASONS.—If economic necessity requires an employer to fill a similar position earlier than 15 days after the date described in clause (i), the employer shall—

(I) allow an eligible individual not fewer than 5 days after the date to respond to the notification described in subparagraph (A); and

(II) notify the individual of reasonable time limitations within which the individual must accept the offer contained in the notification and commence performance of the duties of the position.

(D) AVAILABLE ALTERNATIVE EMPLOYMENT.—Notwithstanding any other provision of this section, if the original or a similar position is not available when an eligible individual applies for reemployment under subsection (e), the employer and eligible individual may agree that the eligible individual shall be employed in any available position with different duties or responsibilities, or of lesser seniority, status, benefits, or pay, until the original or similar position becomes available.

(c) PERIOD OF TIME FOR A LEGITIMATE FAMILY PURPOSE.—For the purposes of this section, a period of time for a legitimate family purpose shall include a period of time—

(1) taken by a parent during the period that precedes the birth of a child—

(A) because of a serious health condition or on the advice of a physician; and

(B) for purposes directly related to the birth of the child;

(2) not to exceed 6 years and taken by a parent following the birth of a child for the purpose of caring for and nurturing the child;

(3) taken by a parent following adoption of a child and ending not later than 6 years after the birth of the child; or

(4) not to exceed 2 years and taken by an individual because of a serious health condition of an immediate family member and for the purpose of providing necessary medical and personal care to the family member.

(d) NOTICE AND DOCUMENTATION.—In order to be eligible for reemployment under this section, an individual shall—

(1) provide to the employer a minimum of 30 days written notice that the individual desires, or finds it necessary, to leave the position for a legitimate family purpose, unless under the totality of the circumstances it is impossible for the individual to provide such notice; and

(2) promptly furnish such reasonable documentation as the employer may request of the legitimate family purpose that prompted the provision of notice under paragraph (1), unless under the totality of the circumstances it is impossible for the individual to promptly furnish the documentation.

(e) APPLICATION.—In order to be eligible for reemployment under this section, an individual shall submit a written application to the employer that demonstrates that the individual remains qualified to perform the duties and responsibilities of the original position that existed at the time the individual gave the notice described in subsection (d)(1).

(f) PRIOR RIGHT OF REEMPLOYMENT.—If two or more eligible individuals seek to exercise reemployment rights established under this section in conflict, the individual who first made application for reemployment shall have the prior right to be restored to employment. Restoration of an eligible individual to employment shall not otherwise affect the reemployment rights of other eligible individuals wishing to be similarly restored.

(g) EXEMPTION.—An employer shall not be subject to this section with respect to an eligible individual if—

(1) circumstances have so changed, between the time that the employer received the notice described in subsection (d)(1) and the time the individual applies for reemployment under subsection (e), as to make reemployment unreasonable; or

(2) the employer instituted formal or informal disciplinary action against the individual prior to delivery by the individual of the notice described in subsection (d)(1).

(h) WAIVER.—

(1) AVAILABILITY.—Absent coercion by either party, an employer and an employee of the employer may jointly agree, in writing, to—

(A) vary the requirements and conditions of the reemployment rights provided under this section; or

(B) substitute another employment arrangement, or an employment benefit or package of employment benefits, for the reemployment rights provided under this section.

(2) EXPLANATION.—

(A) REQUIREMENT OF RECEIPT.—In order for the agreement described in paragraph (1) to have effect, the employee described in paragraph (1) must receive a written explanation of the rights and remedies provided under this section before signing the agreement and must enter the agreement knowingly.

(B) MODEL EXPLANATION.—The Secretary shall prepare and publish in the Federal Register a model written explanation of the rights and remedies provided under this section. An employer may legibly reproduce the model explanation and generally distribute the explanation annually, or post the explanation permanently in a conspicuous place in the workplace, in order to satisfy the requirement described in subparagraph (A).

SEC. 5. ENFORCEMENT.

(a) ENFORCEMENT BY THE SECRETARY.—

(1) CHARGE.—In order to obtain enforcement of section 4, any eligible individual who believes that an employer has failed or has refused to comply with the provisions of such section shall file a charge with the Secretary within 180 days of the failure or refusal. Upon receipt, the Secretary shall investigate the charge to determine if a reasonable basis exists for the charge.

(2) DISMISSAL OF CHARGE.—If the Secretary determines that there is no reasonable basis for the charge, the Secretary shall dismiss the charge and promptly notify the eligible individual and the employer named in the charge of the dismissal.

(3) ISSUANCE OF COMPLAINT.—If the Secretary determines that there is a reasonable basis for the charge, the Secretary shall issue a complaint based upon the charge and shall promptly notify the eligible individual of the issuance.

(4) ACTION.—If the Secretary issues a complaint under paragraph (3), the Secretary shall attempt to resolve the complaint with the employer through an informal conference. If the Secretary is unable to resolve the complaint as a result of such informal conference the Secretary may—

(A) file a civil action in the United States district court for the district in which the eligible individual described in paragraph (1) sought reemployment; or

(B) dismiss the complaint with notice to the individual and the employer named in the charge.

(5) BURDEN OF PERSUASION.—In any civil action brought under paragraph (4) with respect to an eligible individual, the Secretary shall have the burden of persuasion that the individual—

(A) has satisfied the requirements in paragraph (1) through (5) of section 4(a); and

(B) is qualified to perform the duties and responsibilities described in section 4(e).

(6) REMEDY.—If a court finds, in an action brought under this subsection, that an employer has failed to comply with section 4 with respect to an eligible individual, the court may order the employer to comply with the provisions of such action and to compensate the individual for any loss of wages or benefits caused by the failure of the employer to comply with such action.

(b) ENFORCEMENT BY AN ELIGIBLE INDIVIDUAL.—

(1) ACTION.—If the Secretary issues a notice of dismissal to an eligible individual under subsection (a)(4)(B), the individual may bring a civil action in the United States district court for the district in which the individual sought reemployment.

(2) BURDEN OF PERSUASION.—An eligible individual who brings a civil action under this subsection shall have the burden of persuasion regarding the elements of explanation described in subparagraphs (A) and (B) of subsection (a)(5).

(3) REMEDY.—

(A) COMPLIANCE OR COMPENSATION.—If a court finds, in an action brought under this subsection, that an employer has failed to comply with section 4, the court may order the employer to comply with the provisions of such section and to compensate the individual for any loss of wages or benefits caused by the failure of the employer to comply with such section.

(B) ATTORNEY'S FEES.—A court may award attorney's fees to the prevailing party in an action brought under this subsection, if the court determines that the award is appropriate.

SEC. 6. CONSTRUCTION.

The Act shall be construed—

(1) to grant an eligible individual any rights to a position with duties, responsibilities, seniority, status, benefits, or rates of pay beyond the rights possessed by the individual at the time the individual presented a notice to an employer under section 4(d)(1); or

(2) to impose on an employer any nonvoluntary obligation to provide training of any type, or to offer reemployment in any position, or at any other location, than that specifically stated in this Act.

Mr. DODD. Mr. President, I yield 3 minutes to the distinguished Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I do not know if I can do this in 3 minutes. My friend from Connecticut caught me by surprise here.

Let me just say that I would thank the Senator from Minnesota [Mr. DURENBERGER] for his remarks, about my parents. As the Senator knows, both of them had Parkinson's disease and I really know what it is like to have to work and try to take care of a parent or parents. I really appreciate his remarks.

I must say that I think some of this discussion today—I tried to listen to it—reminds me of a Yiddish proverb about how you cannot dance at two weddings at the same time.

So many people have said something for families and for parents being able to take care of children but then we have an important piece of legislation before us that does just that and they find reasons to oppose it. No. 1, it is supposed to be central government. This is not some revolutionary program. This is a new mandate of labor standards, pure and simple.

No. 2, the Senator from Utah says it is discriminatory, because it is harder on low-income people, because it is more difficult for them to take off 10 weeks. Well, if you were to talk to a low-income wage earner and ask her or him would you like not to have the option at all, they would say they want the option.

Finally, my colleague from Minnesota has presented a solution in his amendment, which I think is a solution in search of a problem. The Family and Medical Leave Act will not lead to a bonanza of litigation. There is just no evidence for that. That is why enforcement of it is through the Fair Labor Standards Act which has served us well from 1938. What evidence we have is that 97 percent of the cases have not had to go to litigation.

The senior Senator from Minnesota says these will be different kinds of questions. We do not know whether or not in the future there will be a problem with litigation. Here is what we do know: binding arbitration is no substitute for judicial review, and it is simply unprecedented in Federal labor standards legislation for employees not to be able to go through the court system to protect their rights.

I think the amendment of the senior Senator from Minnesota greatly weakens this bill. It will make it difficult for a single parent, or two parents, to be able to enforce their rights to be able to take some time off to take care of a child.

For those reasons I oppose it.

Finally, let me say to the senior Senator from Minnesota, that binding arbitration applies to labor and management when you are interpreting a contract, when you have a coequal partner relationship, coequal power. When we are talking about a parent with a sick child, wondering whether he or she can take some time off and not lose their job, that is not an equal bargaining relationship.

This amendment really strips away the enforcement of this very bill. I think it negates all that Senator DODD and others have worked for. For that reason, with a considerable amount of reluctance, I will vote against this amendment.

I yield the floor.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 9 minutes and 50 seconds remaining.

Mr. DODD. The proponent?

The PRESIDING OFFICER. The proponent has 13 minutes remaining.

Mr. DODD. On the Durenberger amendment?

The PRESIDING OFFICER. It is the understanding of the Chair that all time would be aggregated on the two pending amendments, equally divided.

The Senator from Connecticut has 9 minutes, and the proponent of the amendment 13 minutes.

Mr. DODD. Rather than waste any more time finding out how much time is left, I will take 3 minutes.

Mr. President, let me, first of all, thank my colleague from Minnesota, the distinguished Senator DURENBERGER, for a lot of help on this legislation. My colleagues ought to know that the staffs have spent a lot of time together, and a lot of what is in the Bond-Coats-Ford substitute are ideas that emanated out of the office of Senator DURENBERGER. While the debate now is on this particular amendment, there has been lot of work on other aspects of this legislation. I thank him and his staff for that help.

I disagree with Senator DURENBERGER on this particular amendment. We have had long discussions about it. In fact, in many ways, I am a bit in an awkward position. Philosophically, there is a lot of merit to the idea of the option of arbitration. We have talked about it. The problem is that we are dealing with it on one specific bill, rather than in a generic form.

Senator DANFORTH and I proposed something similar to this in product liability. We did not get very far. Nonetheless, the concept is of offering options to people in terms of how they dispute resolutions.

The problem here, in a sense, is that I do not necessarily believe that on this legislation, since we have designed a system under the fair labor standards and under Bonds-Coats-Ford, to allow for, in a sense, arbitration without getting to court—in a sense, that is incorporated into this. We set up a system to allow that—if a complaint occurred—before it gets into court, you try and resolve the matter, rather than actually jumping right into a court proceeding.

As was identified by Senator WELLSTONE of Minnesota, about 97 percent of these cases actually have been resolved without having to get to court. So when it takes some time, there is a resolution process. In fact, it has been successful without having to get into lengthy litigation.

In 1990, the Department of Labor investigated 7,400 Fair Labor Standard Act cases and determined there were violations of law in 5,200, of which 2,000 were referred to litigation. I will state that again: There were 7,400 complaints, and actually, out of the 7,400, 2,000 ended up in the courts.

So, in a sense, the process, while not working perfectly, is working.

While we may have broad problems, we want to design legislation and create options, and it seems we ought to do that across the board rather than picking out one particular set of circumstances where I do not think we can say with certainty what the problems are likely to be. So I hope that my colleagues would reject this amendment, with all due respect to its author.

Tort reform is, in my view, long overdue, in the broad sense. But, in this particular area, where we have made significant modernizations in the application of the Fair Labor Standards Act, we are only getting a few cases right now, and it seems that we ought to take that into consideration and see if we cannot draft some generic legislation, rather than trying to apply something where we are not sure how it would actually work.

Regretfully, I urge my colleagues to reject this amendment.

I, simultaneously, hope we can get to a point where we can have a good discussion, debate, and have legislation come forward on how to move forward offering options, generally, whether it be in tort reform, or specifically in product liability, or specifically in fair labor standards. And it makes sense to me. In this particular case, not knowing what we are dealing with here, talking about a whole new area of law, applying a new standard of law, I think is dangerous to go off that cliff without knowing more about what we are doing here.

So, Mr. President, I urge the rejection of this amendment at the time of the vote.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 5 minutes remaining. The Senator from Utah had 13 minutes remaining.

Mr. HATCH. Mr. President, I yield 4½ minutes to the distinguished Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I greatly respect the efforts of Senator BOND and Senator DODD, who worked long and hard to shape a constructive policy regarding family and medical leave practices. The legislation now before us presents me with a difficult choice. No one denies the importance of allowing workers time off to cope with family emergencies or the birth of a new child.

I sympathize deeply with those forced into the untenable position of having to decide between their families and their jobs. Yet at the same time, I am troubled by the larger unforeseen

and unintended consequences of Federal involvement of this kind.

Without a doubt, we have witnessed over the last three decades major changes in the composition of our work force and the economics of the family. Greater numbers of women with young children are now wage earners and many families are dependent on these wages.

Also increasing are the numbers of elderly dependents whose responsibility for care is shouldered by a working son or daughter. Typically, when a family crisis hits, these dedicated workers must find a way to manage responsibilities at home as well as in the workplace.

In order to meet these changing needs and to attract highly skilled employees, some businesses have already responded with comprehensive leave programs. Others have approached the problem on a case-by-case basis.

Unfortunately, not all employers have adequately recognized the increasing demands on working parents, the commitment involved in caring for a newborn, or the pressures workers face when an illness strikes at home.

How should we in Congress react to this lack of responsiveness on the part of some in the business community? Should we mandate a response? Should we require all employers with 50 or more workers to offer no less than 12 weeks of family and medical leave? These are questions I have wrestled with for the last three Congresses, and each time I have reached the same answer: Regretfully, I cannot support this legislation.

Were it solely a matter of mandates per se, I would be less hesitant. There is no question that Congress has approved a variety of mandates in the workplace, from restrictions on child labor to standards for safe working conditions.

To my knowledge, however, this is the first time Congress has mandated a benefit. It is the first time we have required businesses to offer a form of compensation which businesses must pay for and which workers must accept—regardless of any agreement to the contrary.

Up until now, Congress has wisely refrained from interfering with this bargaining relationship—the give and take between employer and employee—however uneven at times it may be. This has allowed maximum flexibility for wage and benefit packages to be shaped according to the size and fiscal constraints of businesses, and the needs and desires of workers.

I am particularly concerned, for example, that the growing trend toward more flexible benefit programs will be constrained by Congress mandating benefits, to the detriment of those employees who do not need or desire those benefits.

The great diversity of business needs in this country makes it very difficult for the Federal Government to devise a single plan that addresses the needs of all workers, without adversely affecting the ability of employers to meet those needs.

I have listened during the course of this debate to various estimates of the cost of S. 5, ranging from a low of $5.30 per employee per year, to a total cost of $7.9 billion annually. What this really illustrates is that, in fact, we do not really know the true cost of this legislation. Even if the lowest estimate is correct, clearly this cost will vary depending upon such factors as the size or geographic location of a business.

For example, a company of 51 employees located in rural western Kansas will have far greater difficulty in absorbing the costs associated with absent workers than, say, a company of 5,000 in Wichita or Kansas City. Yet, it is precisely these smaller companies that create the greatest number of new jobs and at this time can ill afford additional burdens.

Mandating a new benefit will either result in diminishing current benefits or reducing current wages. The same dollar will be spent on workers, only the pie will be sliced along different lines. We cannot avoid the fact that when we mandate a benefit, it will increase benefit costs, which in turn will have a direct impact on the labor market, either curbing wage increases, discouraging the hiring of new workers, and perhaps even accelerating layoffs in hard times.

Mr. President, I appreciate the efforts of Senator BOND and others to fashion a workable bill. Unfortunately, the suggested changes only serve to underscore the difficulties inherent to this well-meaning legislation. For every new requirement, an enforcement mechanism must be implemented, along with the attendant regulations and necessary paperwork, adding further to the regulatory burdens of small- and medium-sized businesses.

Moreover, carving out exceptions and loopholes only creates the additional potential for unintended and undesirable consequences, which we, with our limited Washington perspective, cannot anticipate until it is too late.

For example, a Kansas City employer of several hundred workers also maintains a small office of five employees in Amarillo, TX. While the bulk of its employees would be covered, those in Amarillo, by virtue of their isolation, would be exempt. How, I was asked, can an employer deny this benefit to those workers, while the rest of the company is eligible to take family and medical leave? If the employer permits this benefit, will he be able to continue to operate this office successfully?

Consider the key employee exemption in the Bond amendment. How will these workers feel if they are singled out as ineligible for parental or medical leave? Or, consider the part-time worker exception. Will this merely encourage employers to hire part-time workers, for under 25 hours per week, in order to avoid the requirements of this legislation? Unfortunately, I do not know the answers to these questions.

Mr. President, leave for caring for a family is good for business, and it certainly is good for families. None of us would deny that. It is my hope that a growing number of employers will provide those benefits.

But for the reasons I have listed above, as well as the uncertainty about the health of our economy, I am voting against the Dodd-Bond legislation, and I would urge my colleagues to do so as well.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah has 7 minutes and 6 seconds remaining.

Mr. HATCH. I yield 4 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. DOLE. Mr. President, I agree completely with my colleague from Kansas, Senator KASSEBAUM.

Mr. President, my opposition to S. 5, the Family and Medical Leave Act of 1991, is no secret.

I had hoped that when the compromise on this legislation was announced last month, that perhaps this difficult issue would be resolved.

Unfortunately, Mr. President, this compromise, which is being marketed as a "new and improved" version, is the same product with some different packaging.

EVERYONE SUPPORTS FAMILY LEAVE

Mr. President, there is no controversy here over whether family leave is good or not. I strongly support such programs and believe that they have served—and will continue to serve—a very important role in the work place where more and more American families find both parents out of the home.

Along the same lines, Mr. President, I also support health insurance benefits, disability plans, life insurance, vacation, sick leave, maternity leave programs, continuing education and professional development programs, and all the other infinite types of programs and benefits that the employers of this Nation voluntarily provide to their work force.

But this is not the issue, Mr. President. We are not voting on whether family leave is a good idea. Instead, we are voting on whether the Government knows best how to spend everyone's benefit dollars.

COMPROMISE DOES NOT ADDRESS MANDATE ISSUE

It is for this exact reason that the compromise to S. 5 does not solve the real problems.

While the amendment deals with some of the structural and administra-

tive glitches of S. 5—such as the damages provisions and the definition of serious health condition—it does nothing to address the problem of the mandate.

The point is that the Federal Government should not be telling each and every employer and employee that one type of benefit is better for them than another type of benefit.

MANDATES DO NOT WORK FOR BUSINESS OR LABOR

Business can allocate only a specific amount of money for fringe benefits. They have projections and budgets and part of those plans is how much they will spend on salaries and how much they will spend on benefits.

The real world effect of this legislation, this mandate, is that employers will revisit those projections and budgets and cut back on something else.

While the Senator from Connecticut, Senator DODD, and the other proponents of this legislation, would have you believe that the cost of this legislation is negligible, the fact is that this bill costs business a ton of money—money that might of otherwise be earmarked for a COLA, or a child care center, or to business expansion producing more jobs, or simply to paying off debt and making ends meet so that no layoffs occur.

A recent survey by the Gallup organization of over 950 small businesses indicated that if this bill were to become law, more than half of small firms would establish stricter personnel policies and cut back employee benefits such as paid vacations and health insurance.

So while the proponents of this legislation may have good intentions in trying to help the American family, the effect of this legislation will be to take away benefits that were once freely negotiated between the employer and employee.

"ONE-SIZE-FITS-ALL" HURTS EMPLOYEES

Mr. President, I also do not understand how the proponents of this legislation justify to the American people that a one-size-fits-all approach to employee benefits is good for them.

Those who are unmarried—who have no interest in a family—don't want leave to have children.

Older workers have no interest in leave to have a family.

And yet, what the Congress wants to tell the American people is that such leave is good at the cost of benefits American workers might otherwise prefer and receive from their employer.

Such paternalism and interference is completely unwarranted. Indeed, we have seen an explosion during the last decade in the types of benefits offered by employers and the flexibility of those benefits.

Recently, for example, a lot of companies have begun introducing so-called cafeteria style plans. These plans give employees a fixed dollar amount to spend on benefits and let them pick which ones they want from a long menu.

It is my understanding that cafeteria plans are very popular and let employees shape their benefit program to their own personal, individual needs.

If this bill were to become law, the effect is that employers would give employees fewer dollars to spend on benefits they would otherwise choose cafeteria style in order to provide the mandated family leave.

I might add that a Gallup Poll found that only 1 percent of 1,000 respondents listed parental leave as their most valuable employee benefit. And a January 1991 Penn & Shoen survey found that 89 percent of 1,000 respondents preferred that employee benefits be decided privately between employers and employees rather than mandated by the Federal Government.

S. 5 IS A TAX ON EMPLOYERS

Mr. President, in this Senator's opinion, this bill amounts to nothing more than a tax on employers.

It looks like my colleagues on the other side of the aisle have decided that since the Federal Government is broke—and with about 30 States experiencing serious budget problems as well—the next place to find hard cash to pay for benefit programs is to dig into the pockets of the employer community with a bunch of mandates.

The problem, Mr. President, is that this tax—this mandate—will ultimately come out of the pockets of employees through a reduction in other benefits such as a cost-of-living increase; or paid health insurance premiums; or through the loss of jobs or job growth as companies bottom lines—already suffering from a sluggish economy—are squeezed further against the wall.

PRESIDENT WILL VETO

Finally, Mr. President, I have a letter that President Bush sent me stating that he will veto S. 5 or any other mandated leave legislation presented to him.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 1, 1991.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senator, Washington, DC.

DEAR BOB: As the Senate moves toward consideration of S. 5, the Family and Medical Leave Act, I want to reiterate my position on this issue. I strongly support the goal of encouraging family leave policies through voluntary negotiations between employers and employees. However, it is both inappropriate and counterproductive for the Federal Government to mandate blanket fringe benefit packages that treat all employees the same and benefit one employee perhaps at the expense of another. Workers and managers should have the freedom to sit down together and develop a benefit package that best meets their specific needs.

America faces its toughest competition in history. We must maintain the flexibility to meet these challenges directly in the most competitive way. At the same time, we must promote an environment of cooperation in which workers and managers together strive for their greatest productivity. We should not impose additional burdens and restrictions on employers and employees, particularly at this crucial time.

Accordingly, should S. 5 or any other mandated leave legislation be presented to me, I will veto it.

Sincerely,

GEORGE BUSH.

Mr. DOLE. First, let me say that I think we have a package that has been slightly improved. You could not improve it much, because it was so bad. But it has been improved a little with the amendment offered by Senators BOND, COATS, and FORD.

But I think we have to ask ourselves one very basic question. This is a tax on business; it is a tax increase. We might as well just pass a tax increase for everybody with 50 or more employees, every business. OK, this is a tax increase. That is what this is. It is a mandate.

The Senator from Kentucky said it is not a mandate; it is a Family Protection Act. I had one handout awhile ago. It said mandate; mandate in the Dodd bill; mandate in the Bond amendment, the same. Mandate on one side, and the same on the other.

They say it is a mandate. It is a mandate. How many mandates can we pass onto States? How many mandates can we pass onto employers? I finally figured it out. The Federal Government is broke. We have about 30 States that are broke. We have the five biggest cities broke. And some in the Senate still want a group hanging. All right. We can get them if we start right now, and they are called employers. They are people with 50 or more employees this year.

I note that another improvement was they modified this little Commission that was going to study what effect this would have on 50 or fewer employees. You know, we are doing 50 this year. They took it out. They put in broad language. The Commission can now study anything. Policies.

This bill will be vetoed and sustained either in the Senate or the House. But it will be back next year, and should it pass, I would predict within 3 or 4 years, they will say let us lower it to 40, and then 30, and then 25, and then 20, and then 10, and then bingo.

So there are a lot of things happening in the private sector. I support health insurance benefits, disability plans, life insurance, vacation, sick leave, maternity leave programs, continuing education, professional development programs, and all the other infinite types of programs and benefits that the employers are providing now—not the Federal Government, but the employers are providing.

If we just had to vote on whether family leave is a good idea, the vote would be 100 to nothing. But you all have to ask the employees and include results of polls where they surveyed 1,000 employees; 89 percent said: let me work it out with my employer. We do not want the Federal Government in Washington, DC, telling somebody in Topeka, KS, this is what you have to do. Whether married or single, young or old, children or no children, one plan fits all.

We also, in a Gallup poll, found that only 1 percent of 1,000 respondents listed parental leave as the most valuable employee benefit. Where is the demand for this legislation? There is not any, if you talk to people who would have to pay for it.

I wish we had had a vote on the $5.30 amendment the Senator from Utah had. Maybe we should have included that in the agreement of yesterday. That would have carried, and that might have been the end of this so-called legislation.

But this is a tax, a tax increase on employers. It is a mandate. It is a mandate on employers. It is the long arm of Washington, DC, reaching out all across America, saying: You are going to do this whether you like it or note.

If you want to vote for a tax increase, this is your opportunity.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah.

Mr. HATCH. Mr. President, first of all, I would like to say I think the Durenberger amendment should be supported. Binding arbitration, I think, would save everybody millions, if not billions, of dollars over the years.

The average termination suit cost about $20,000. Under this approach, it would cost around $1,000, and it would work better and help alleviate the congestion in Federal courts that is eating us all alive.

Mr. President, the problem with the Dodd-Bond bill is, number one, it is an unprecedented mandated employee benefit. It injects the Federal Government into each of our lives, telling us what to do.

Second, it restricts flexibility both for employers and employees.

Third, it has a discriminatory impact because half of all employees and 95 percent of all businesses are exempt from the bill. Generally, the people who will not get the benefits are those who are poorer, less educated, and less trained. So half of all employees and 95 percent of all employers are exempt from the bill.

Fourth, it is ineffective. It is impossible for parents to bond with new babies over a 12-week period. And, by definition, a serious illness is likely to last longer than 12 weeks.

And last but not least, it is an approach that would be vetoed by the President.

The Hatch substitute is supported by a number of organizations, including business organizations, family research organizations, and Hispanic organizations such as SER- jobs for progress. It is not a mandated benefit. The measure only returns to people what they have already earned. Unlike S. 5, it does not provide new, unearned mandated benefits.

In contrast, S. 5 only provides for 12 weeks of leave. My substitute allows employees to leave the workplace for up to 2 years to care for a sick family member and up to 6 years to care for a child.

My substitute applies to everybody, not just 50 percent of all employees and 5 percent of all businesses.

And, my substitute has a protected right of reemployment. It extends a right of preferential rehire. If an employee takes leave for a family purpose and he or she applies for reemployment, the employer must offer either the same or an equivalent job, if such a job is available.

So, Mr. President, I think if we want to pass a real family leave bill, we should all vote for the Hatch substitute. The votes are not there for passage now, but I think I have made a case against the mandated employment benefits which will linger.

I yield whatever time I have remaining to the distinguished Senator from Connecticut.

Mr. WALLOP. Mr. President, had there been other amendments in order to this legislation, I would have offered three; one requiring an economic impact analysis on any legislation which creates a new or revised Federal mandate for public or private sector employees; an amendment to strike title III of the bill, creating a Commission on Leave, and finally an amendment to require employees to pay their share of the cost of health insurance while on leave.

The amendment requiring an economic impact analysis is nearly identical to an amendment I offered—and the distinguished Labor Committee chairman, Senator KENNEDY accepted—to the minimum wage legislation adopted by this body in 1989. Unfortunately, that minimum wage bill was vetoed by President Bush and the subsequently enacted legislation did not contain this provision.

We have now been debating versions of family and medical leave legislation for the past 6 years. Just as the proponents of S. 5 believe extended leave periods are vital to today's working conditions, my amendment is crucial to the considerations we should give to the need for such benefits. So I regret that we failed to enact this amendment prior to consideration of S. 5 this year. Perhaps an economic impact analysis would convince my colleagues once and for all of the bad habits, that is, Federal mandates, which we cannot seem to break as demonstrated by this legislation.

What we cannot support by taxes and deficit spending, we simply disguise as a cost-free benefit and put in the laps of the American people. That benefit then becomes their obligation to provide, but not without cost to businesses and our economy.

Thus the specific purpose of my proposal is to expose faulty perceptions with accurate information. The family and medical leave bill provides the perfect forum for this discussion. It is a well-intended piece of legislation. Certainly all employers want to do their utmost to provide a wide variety of benefits for their employees. But we are imposing a benefit which affected employers cannot afford and for the most part working employees do not need or may also not afford. The Federal Government does not belong in the business of establishing benefit policies that have voluntarily been addressed by employers as unique circumstances arise with their employees. And we should not ignore the positive elements of a flexible employer/employee relationship.

By mandating a benefit, we remove that flexibility, reduce the employer's ability to meet the needs of their work force and potentially force them to cut back benefits to employees across the board.

S. 5 also does not take into account the indirect costs associated with extended periods of leave. In many instances, it will be difficult or nearly impossible for employers to recruit and train temporary replacements. These replacements and attendant productivity drains are costly propositions, particularly for small businesses already struggling to survive the strains of today's economy. Yet, in many businesses, positions cannot remain vacant for two or three months. So the Family and Medical Leave Act leaves businesses with two choices: A full plate or empty pockets, and GAO feels neither represents a loss—but then their analysts get paid for their view whether or not they are right. Business lives a real life.

My proposal would carefully measure the consequences of translating good intentions into unworkable programs. The Senate should have these data up front in order to make an informed decision—a decision which will obviously impact the lives of all Americans. Without this information, we will not know the effect of the legislation of the economic growth and development of new businesses and the health of existing businesses.

The economic impact statement contained in the report accompanying S. 5 pays little attention to the economic consequences of its enactment. I quote from the report:

There is no evidence of economic impact on consumers as a result of S. 5. Costs to

consumers cannot be expected to increase since the additional costs to employers are minimal—based on a 1989 GAO study, estimated as $5.30 per year per covered employee—and since there is no evidence of greater business losses where State laws require similar family and medical leave. The GAO study concluded that the cost of family and medical leave legislation to employers would be less than $236 million annually. This cost results exclusively from the continuation of health insurance coverage for employees on unpaid leave.

This $236 million figure is as shocking as it is wrong. Yet it is typical of the General Accounting Office which has literally no concept of what it costs to do business. No small wonder that the American public has so little faith in what we do here to represent them. The GAO may be the congressional watchdog, but they are rarely vigilant in their regard for small business needs. Some of us here in this body have been in business. We know full well what it means to meet a payroll; to provide benefits for employees. So I ask my colleagues this question: What about the cost of replacement workers?

Employers who must hire and train temporary replacements and continue to pay expensive health insurance premiums for employees on unpaid leave, have two options: Either they hire fewer workers or provide less pay and fewer benefits to workers who don't take leave.

As such, I believe employees should be required to pay their cost of health insurance while on temporary leave. This principle is already established under the Consolidated Omnibus Reconciliation Act [COBRA] of 1985 whereby employees laid off or taking temporary periods of leave must pay up to 102 percent of the cost of health premiums.

No one would dispute that this country is plagued by the unrelenting high cost of health care. The United States now spends 12.4 percent of its gross national product on health care. Since 1970, the total cost of employer fringe benefits for employee health benefits has more than doubled. Likewise, total fringe benefits paid by employers have risen 13 percent. Obviously, these statistics show that it is becoming more and more difficult for employers to cover the continually rising costs of medical insurance.

The bill we are considering today does nothing to address rising health care costs. To the contrary, it merely puts an excessive burden on employers to absorb these costs, while also covering the cost of replacement workers. No one wants to spoil the picture of mom and dad spending 12 weeks bonding with junior, but someone is going to have to do the work until they return.

Parental leave is fine as one possibility in a basket of benefits. When it becomes obligatory, both management and workers are deprived of choice. Such mandates will only disrupt the labor market and, in the long term, result in lower cash compensation for workers and increased unemployment particularly among the working poor.

Many analysts feel that our system of private health insurance exacerbates the problem of rising costs because consumers are insulated from the real cost of health care services. We have been proposing such mandated employer-sponsored health insurance for the last few years. Proposing such uniform Federal policy isn't going to help our society, nor is one inflexible policy going to help the American family. Let us decide what is important and enact legislation that will address rising health care costs, not provide Band-Aid attempts.

Mr. SYMMS. Mr. President, I oppose S. 5, the parental leave bill.

I oppose it, first, because I believe in the freedom of choice. The decision concerning the sorts of benefits which the employees of a particular company want to receive should be a decision between those employees and their employer. Do they prefer higher salaries and no unpaid leave? What about greater employer health insurance contributions and no unpaid leave? What about 3 weeks of paid leave? Or a longer vacation?

S. 5 would remove all of those decisions from the employer and the employee and place them in the hands of the Federal Government. Ironically, this is being done by the same people who cynically bandy about the word "choice" when it suits their purposes.

I also oppose S. 5 because it would impose yet another regulatory burden on business at a time when many businesses are struggling to compete with Japanese and European corporations. The Small Business Administration has estimated that this legislation could cost American businesses as much as $1.2 to $7.9 billion a year—enough money to pay the salaries of up to 260,000 employees at a rate of $30,000 a year.

We have already witnessed the loss of jobs which overregulation has caused—not to mention the recession precipitated by our most recent tax increase. The last thing we need is to place even more impediments on American business at a cost of tens of thousands of productive jobs.

Finally, I oppose S. 5 because the details of the legislation are seriously flawed. "Serious illness" is defined so liberally that it includes kleptomania, transvestism, and drug addiction. The mechanism for determining whether a serious illness exists is a real "Rube Goldberg device." Furthermore, the leave is, contrary to the representations of the sponsors, not "unpaid leave" at all, since the employer would have a legal requirement that he continue to fund the missing employee's health insurance.

All of this can only have the effect of discouraging employers from hiring women—a result which would work to the severe detriment of the very people which this legislation is supposed to help.

Mr. President, it can be cold comfort that this would not be the first intrusive, counterproductive program cynically advanced for the purpose of erroneously persuading classes of constituents that they would get something for nothing.

This bill is not needed, therefore, I urge a "no" vote.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. CONRAD). Five minutes, 30 seconds.

Mr. DODD. Mr. President, I yield whatever time he may desire to the majority leader.

Mr. MITCHELL. Mr. President, Members of the Senate, over the past decade the United States has witnessed an ever increasing number of women entering the work force, many with very young children, many of whom seek to rejoin the work force shortly after the birth of their children.

Job protection during times of childbirth and family illnesses ought to be a basic right for working Americans. Especially now with the economy in recession, job protection is even more important to the stability of American families. This is a family measure for American families.

To know that a worker has the flexibility to take care a newborn child or to care for an ailing parent without the fear of losing the job ought not to be remarkable. It ought to be a matter of course.

The composition of the American work force is changing. That change should be reflected in our policies.

This is an important bill for American women. It offers to American women equal economic opportunity, and it means that the question before us is whether American women will have economic independence.

The number of women working today is greater than ever before. Many of these women are working out of necessity. They need to work to raise their family's income to a level that will allow them to feed their children, make their rent or mortgage payments, car payments, and provide other basic necessities.

An increasing number of women are single parents who have no other option. They must work to provide for their family. But the fact remains, also, that 65 percent of married women work.

We ought not to force American women to choose between their jobs and their families. Too many women have been forced to make a painful choice between the economic imperative of working to supplement their families' income and the anxiety of

caring for a seriously ill child. Too many women have to make that choice. It is unfair to them.

Too many women have had no job to return to after recuperating from the birth of their child.

The Family and Medical Leave Act would provide unpaid leave. Unpaid leave for birth, adoption, or care of a sick child. It would also provide unpaid leave for an employee's own serious medical illness or to care for an employee's seriously ill parent.

The United States is the only major industrialized country without a family medical leave policy. In fact, most other industrialized nations provide some type of paid leave. We are not talking about paid leave here, but unpaid leave, with the guarantee of a job to which to return.

Protecting jobs for those who must take leave to care for their families in times of crisis is not unreasonable. It is humane. Protecting jobs for those individuals who become seriously ill is not unreasonable. It is humane. It is reasonable. It is fair.

Enactment of this family leave law will not alleviate the stress a family feels when faced with a serious illness of a parent or a child, the loss of earnings. But it will alleviate the stress they feel, the real stress, when there is no job to which to return.

Enactment of this family leave law will provide a basic assurance of job security for the men and women during times of crisis. A number of States have already enacted such laws. It is now time for the Federal Government to act as well.

Mr. President, on that note, I would just like to make a comment. We have heard a lot of talk here, the usual statements that we ought not to have the Federal Government getting into this area of economic regulation. But the very same Senators who make that argument are sponsors of and promoting all kinds of other legislation to do that which they now warn against.

How many times have we heard speeches on the floor here in favor of product liability legislation that would extend the Federal Government wholly into an area that for 200 years has been left to the States? The very same people who stand here today and say we should not have the Federal Government do this in behalf of American women are prepared to force the Federal Government into areas previously left to the States in behalf of large corporations.

How about giving American women the opportunity for economic equality and economic independence? That is the issue here today. That is the issue.

Are we prepared to say that we will no longer tolerate American women being denied economic opportunity; we will no longer tolerate second-class status for American women? We are going to see that they get the same equality and free economic choice that is available to women all over the world.

I urge my colleagues to support this bill. It is a sound, sensible, reasonable, fair measure.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. DODD. Mr. President, I inquire of the majority leader, has there been a proposal to reduce the time of these votes?

Mr. MITCHELL. Mr. President, I ask unanimous consent that all votes after the first vote be for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Let me make clear that I mean all votes that are stacked in succession be for 10 minutes after the first vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1248

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. DURENBERGER]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from Nebraska [Mr. KERREY], and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—40

Breaux	Gorton	Nickles
Brown	Gramm	Pressler
Burns	Grassley	Roth
Chafee	Hatch	Seymour
Coats	Heflin	Simpson
Cochran	Helms	Smith
Cohen	Kassebaum	Specter
Conrad	Kasten	Stevens
Craig	Lott	Symms
Danforth	Lugar	Thurmond
Dole	Mack	Wallop
Domenici	McCain	Warner
Durenberger	McConnell	
Garn	Murkowski	

NAYS—57

Adams	Exon	Mikulski
Akaka	Ford	Mitchell
Baucus	Fowler	Moynihan
Bentsen	Glenn	Nunn
Biden	Gore	Packwood
Bingaman	Graham	Pell
Bond	Hatfield	Reid
Boren	Hollings	Riegle
Bradley	Inouye	Robb
Bryan	Jeffords	Rockefeller
Bumpers	Johnston	Rudman
Burdick	Kennedy	Sanford
Byrd	Kerry	Sarbanes
Cranston	Kohl	Sasser
D'Amato	Lautenberg	Shelby
Daschle	Leahy	Simon
DeConcini	Levin	Wellstone
Dixon	Lieberman	Wirth
Dodd	Metzenbaum	Wofford

NOT VOTING—3

Harkin	Kerrey	Pryor

So the amendment (No. 1248) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1245

The PRESIDING OFFICER. The question is on agreeing to the Bond-Ford-Coats substitute amendment, amendment No. 1245. The yeas and nays have been ordered. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from Nebraska [Mr. KERREY], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—65

Adams	Dixon	Mikulski
Akaka	Dodd	Mitchell
Baucus	Durenberger	Moynihan
Bentsen	Exon	Murkowski
Biden	Ford	Nunn
Bingaman	Fowler	Packwood
Bond	Glenn	Pell
Bradley	Gore	Reid
Breaux	Graham	Riegle
Bryan	Hatfield	Robb
Bumpers	Inouye	Rockefeller
Burdick	Jeffords	Roth
Byrd	Johnston	Sanford
Chafee	Kennedy	Sarbanes
Coats	Kerry	Sasser
Cohen	Kohl	Simon
Conrad	Lautenberg	Specter
Cranston	Leahy	Stevens
D'Amato	Levin	Wellstone
Danforth	Lieberman	Wirth
Daschle	McCain	Wofford
DeConcini	Metzenbaum	

NAYS—32

Boren	Hatch	Pressler
Brown	Heflin	Rudman
Burns	Helms	Seymour
Cochran	Hollings	Shelby
Craig	Kassebaum	Simpson
Dole	Kasten	Smith
Domenici	Lott	Symms
Garn	Lugar	Thurmond
Gorton	Mack	Wallop
Gramm	McConnell	Warner
Grassley	Nickles	

NOT VOTING—3

Harkin	Kerrey	Pryor

So the amendment (No. 1245) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1249

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from Utah [Mr. HATCH]. On this question, the yeas and nays

have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from Nebraska [Mr. KERREY], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER (Mr. WIRTH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—32

Brown	Hatch	Pressler
Burns	Heflin	Rudman
Cochran	Helms	Seymour
Craig	Kasten	Simpson
Dole	Lott	Smith
Domenici	Lugar	Stevens
Durenberger	Mack	Symms
Garn	McCain	Thurmond
Gorton	McConnell	Wallop
Gramm	Murkowski	Warner
Grassley	Nickles	

NAYS—65

Adams	DeConcini	Metzenbaum
Akaka	Dixon	Mikulski
Baucus	Dodd	Mitchell
Bentsen	Exon	Moynihan
Biden	Ford	Nunn
Bingaman	Fowler	Packwood
Bond	Glenn	Pell
Boren	Gore	Reid
Bradley	Graham	Riegle
Breaux	Hatfield	Robb
Bryan	Hollings	Rockefeller
Bumpers	Inouye	Roth
Burdick	Jeffords	Sanford
Byrd	Johnston	Sarbanes
Chafee	Kassebaum	Sasser
Coats	Kennedy	Shelby
Cohen	Kerry	Simon
Conrad	Kohl	Specter
Cranston	Lautenberg	Wellstone
D'Amato	Leahy	Wirth
Danforth	Levin	Wofford
Daschle	Lieberman	

NOT VOTING—3

Harkin	Kerrey	Pryor

So the amendment (No. 1249) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I would like to take a few moments to explain my opposition to the family and medical leave bill that has once again captured the attention of the Senate. Speaking as a husband and also as the father of three marvelous children, I am intimately familiar with the added responsibilities and pressures that parents experience when a newborn baby arrives. Being a parent is a joyous and rewarding experience, but there is no denying the fact that meeting the special needs of a newborn infant can be a very demanding and difficult enterprise. I have been in that situation—three times now—and I understand completely the anxiety and concern that can result.

I also know something about the difficulties that arise when there is an ailing parent or some other kind of illness in the family. My family and I are now caring for my dear dad who is laboring along in his 93d year. His quality of life has diminished greatly in recent years. Caring for him is a labor of love, but it is also a sad and sometimes difficult thing to do. My mother and my wife Ann's mother each are 90. They are special and vital and add much to our lives. At one time or another, almost every family has experienced—or will experience—the anguish and concern that result when a loved one suffers from illness or injury. That is very much a part of life, so it is understandable that there is so much fascination with this subject.

I think we would all agree that parental leave policies are surely an effective and sensible approach to alleviating the pressures felt by many working Americans who have young children and aging parents. If an employer chooses to offer this benefit to its employees—and many do—that is commendable. Parental leave policies can be beneficial to both parties when employers and employees have the opportunity to properly negotiate terms that are appropriate to their own particular circumstances. I applaud these kinds of flexible and responsive management policies, and I believe we should make it as attractive as possible for employers to offer family-friendly policies. Because family leave is such an important and valuable benefit to those who may need it, we should encourage employers to provide this benefit—but we should stop short of another congressionally imposed, inflexible mandate that may arm the very people it was intended to help.

While I support the concept of parental leave, I do strongly object to any proposal that would mandate the personnel policies of private employers. That is exactly what this bill does. It would dictate to employers what benefits they must provide, to whom they must be provided, and under what circumstances they must be provided—regardless of whether or not employees desire the benefits. If there was some overriding Federal interest that was served by regulating the personnel policies of private employers, then perhaps that would justify this action. However, I am unaware of any such Federal interest that exists in this instance and I would strongly suggest that the Federal Government restrict its activities to those matters which are within its proper sphere of influence.

I do understand the great temptation to mandate employee benefits. This new era of tight budgetary constraints is especially painful for the tax-and-spend liberals who are now limited in their ability to create new programs. So what we have now is this effort—almost an obsession for some—to take money out of the pockets of employers and force them to provide benefits that the Federal Government would like to provide, but cannot afford. By disguising the true costs of these benefits, Congress can pretend to be doing something for the American people without directly raising their taxes.

Many legislators believe that by forcing businesses to foot the bill, they have found the ultimate free lunch. In truth, Americans gain no free lunch when businesses are forced to absorb the cost of Government programs. Let there be no mistake about that. The costs associated with mandated benefits are very real and significant. The cruel trick of mandated benefits, of course, is that their true cost is ultimately borne by the workers they are supposed to help. Higher labor costs not only undermine our Nation's international competitiveness and destroy American jobs, but they also result in higher prices for consumers at home. In addition, the Federal Treasury takes in reduced tax revenues from a slower growing economy. Clearly, there are no winners in this situation.

Let us also be very clear about what this bill does not do. It does not in any way guarantee that employees will receive a larger overall package of benefits. In fact, many employees who have no need or desire for family and medical leave may find themselves worse off than before if their employer has to eliminate existing voluntary benefits in order to make up for the increased costs of providing the mandated benefits. In some instances, anticipated wage increases may even be offset or delayed if employers have to use these resources to provide the mandated benefit. These are not outcomes that most people would associate with good public policy, so I do think we should be honest in presenting the American people with a complete picture of what this bill would accomplish.

Finally, I would like to address this matter of just what is meant by being profamily. Some proponents of this legislation would have the American people believe that anyone who opposes mandated parental leave doesn't care about babies or old people or working families. I find that a tiresome and bombastic argument, but it is not surprising because that is the approach we so often see when the facts or the substance of an issue are lacking. Claiming to be profamily is just about as safe as any position one will ever take in this Chamber and it certainly appeals to the emotions in a way that few others can or ever will.

But I must seriously question whether this is a profamily measure when it would discourage employers from hiring young people of childbearing age. If Congress mandates parental leave benefits, employers will have powerful incentives to discriminate against those workers who are most likely to use the family leave benefit. Women at the

bottom of the economic ladder—the uneducated, the untrained, and unskilled—will bear a disproportionate share of this burden. The experience of European nations who presently mandate generous leave benefits in that women of childbearing age are frequently unemployed or clustered in low-paying jobs. Given this fact, it hardly makes sense for the United States to imitate a policy that has already been demonstrated in other countries to have a negative impact on those people whom it was intended to help.

By mandating benefits, as this bill proposes, Congress would interfere with employer-employee negotiations and the collective bargaining processes that have made this kind of flexibility possible for so many years. I am deeply disturbed by the attitude that goes along with this proposal. What kind of arrogance is it that makes Congress think it knows better than the American people what benefits they may need? I, for one, will not pretend that I am better able than my constituents to decide what is best for them. To do that in Wyoming would be a sure-fire prescription for political pain and trouble.

The fundamental problem with this legislation is that it completely disregards the rather obvious fact that all employees do not have the same needs and preferences. In the real world—as we know it today—a worker who has no children or parents may prefer to have prescription drug benefits rather than family and medical leave. Others may prefer to have child care benefits, tuition benefits, or profit sharing arrangements. That is the beauty of the present system. Employers and employees can negotiate a benefits package that is tailor-made to their particular needs and circumstances. This bill flies in the face of all of that. It is very untimely and wholly unnecessary—but has a very nice political ring to it. But it's still very bad.

Mr. DURENBERGER. Mr. President, I would like to state my support for the Hatch alternative to Senator DODD's Family Medical Leave Act. Although I do not believe that it goes far enough, I think the theory underlying the Hatch proposal has great merit, and therefore I am voting for it.

Under the Hatch bill, an employee would be eligible to leave the workplace for up to 2 years to care for a sick child, and up to 6 years to care for a child, and be granted a preferential right of reemployment. In other words, after an employee gives birth to a child, the employee could take up to 6 years off to care for the child, to nurture the child, to be a parent to the child, and the employer would have to grant the individual reinstatement to his or her job if that job were still available.

In my view, this bill offers a wonderful opportunity for employees to bond with their children. If the U.S. Senate wants to promote families, then I think that we should support opportunities for parents to spend extended periods with their children. It just makes good sense.

Mr. President, I want to point out that although profamily groups support this bill, many who oppose Senator DODD's bill want to use the Hatch bill as a complete substitute. I want to be clear that I am not voting for the bill for that reason. I want to see the Hatch bill as a supplement, not a substitute, to the Dodd family leave bill. There is nothing inconsistent with supporting preferential rehire rights to employees who take time off to be with their children, and supporting 12 weeks of unpaid parental or medical leave for those who need a short period to be with newborn children, or sick parents, sick spouses, or sick children.

Many people cannot afford to take 3 years off from work to be with their children. It is difficult to take that much time off. But then again, many people cannot afford to take 12 weeks of unpaid leave either.

Mr. President, I suggest that in a nurturing society, where we want to support families in times of need, that 12 weeks of unpaid leave in times of great job—when a child is born, as well as in times of trouble—when a relative is sick and needs loving attention, is something that we in America ought to provide.

But let us face it. Twelve weeks is not that long to bond with a child. And 12 weeks is not always enough time to care for a sick child. The Hatch bill allows those who can afford it to spend more than 12 weeks with their children when their children need that time. As a U.S. Senator, I think that both of these bills are profamily, and because I am a profamily Senator, I want to indicate my support for the Hatch proposal, even though it is clear that it lacks the support to become law.

Mr. President, it is unclear at this time whether Senator DODD's 12-weeks' unpaid family medical leave proposal has the strength to override a Presidential veto. I clearly support the Dodd bill, and I voted for it. But if the Dodd bill does not retain veto strength, then my hope is that Senator DODD will incorporate many of the positive attributes in the Hatch bill into the Dodd proposal. Accordingly, we should use the Hatch initiative as an effort to bridge the gap between the parties, so we can move forward toward supporting our most important societal institution—the American family.

Mr. GRASSLEY. Mr. President, the birth or adoption of a child, an ailing parent or loved one. These are family challenges that have confronted most of us at some time in our lives. It seems that the problems facing American families have grown more complex over the last decade. And perhaps this new decade will not offer much relief.

How then can we best assist families, as they cope with crisis or adjust to a new family addition, and still be responsible to their job? I recognize that many families struggle to reconcile the many competing factors in their lives. However, I don't believe that the family and medical leave bill, which we are debating today, provides much relief for the average family.

Providing family and medical leave is a very desirable employment benefit for many people and, certainly employers should be encouraged to make such benefits available. In fact, the practice of providing family and medical leave is common in the private sector. Surveys have shown that over 60 percent of companies grant some type of leave. Recently, the Gallup organization conducted a survey of 950 small businesses concerning family and medical leave policies and found that 95 percent provided family emergency leave on request and 94 percent granted their most recent request for leave.

However, the question today is not whether leave policies are desirable benefits but rather is the use of Government mandates and their associated costs the best means to achieve a worthy goal?

Certainly employers should be encouraged to make such benefits available if there is the need and desire among the employees. However, I object to the Federal Government mandating leave policies. The Federal Government is not suited to determine the individual needs of workers and their families. It should not force its judgment into the employer-employee relationship, by legislating what benefits should be provided.

If the Government begins to legislate benefits, employers may be forced to eliminate, or reduce, voluntary benefits, such as flextime and child care, in order to pay for the mandatory ones. If it does, a dilemma is created. Is mandating one benefit at the expense of other benefits, perhaps more desirable ones, in the best interest of all the involved employees? This bill is an unprecedented attempt to legislate employment benefits. It ignores the diversity of our work force and its diverse needs. Senator BOND has attempted to reach a compromise on this issue, and I commend him for his effort. However, the fundamental issue remains unchanged. His compromise retains the Federal Government mandate.

It seems reasonable that before the Federal Government begins legislating specific new benefits we need to have a clear understanding of what the resulting costs will be to the employee, the employer and the consumer. To date, we do not have firm data on the total cost parental leave would have on the economy. Legislating leave policies

will burden employers, especially smaller and medium-sized businesses with the cost of mandated leave regardless of their ability to absorb such costs. Faced with the additional costs of providing the benefit the employer will have two choices. Either cut back on other benefits and salary, or increase the prices of their goods or services, which will be borne by all consumers.

During this time of economic uncertainty we need to stimulate the economy and create jobs, not burden employers with additional costs. The additional costs associated with legislated benefits will have the opposite effect on the economy. Jobs will be lost and consumer prices will rise. Does this help families as they also struggle to climb out of the recession?

Furthermore, a mandated family and medical leave policy will not assist the working poor, those families that often need the most assistance. This benefit is irrelevant to low-income or single heads of households. Although the provisions of the bill offer them the chance to leave their job, how many will actually be able to afford to lose 3 months salary? Many poor working families struggle to save and few can cover unexpected expenses. These families need assistance. However, this bill doesn't give them the opportunity to take advantage of leave benefits.

Conversely, high-income wage earners can easily afford to forgo 3 months salary. They are more likely to accrue the necessary savings to support their families for 3 months. So, while high-income individuals and families will take advantage of leave benefits, all, including the poorer workers, will be forced to bear the costs. Is this fair?

There is one final reason why I cannot support the parental leave bill—and that is because it gives congressional employees second-class coverage. The bill would allow staff to complain of violations of the bill to internal administrative committees—here, in the Senate, the Ethics Committee. That is the only recourse for congressional staff. All other employees, if they were not satisfied with the administrative proceedings, could proceed in Federal court, but not so for employees of Congress.

This is simple hypocrisy on the part of Congress. I have an amendment on this subject, but I was not allowed to offer it. Senate leadership has indicated that I will be given the opportunity to offer a similar amendment to the civil rights bill. But that still leaves inadequate parental leave coverage for congressional employees.

Well, Mr. President, it looks like many of my colleagues are ready to tell the American people, again, "do as I say, not as I do." We want employers to live by certain rules, but we aren't willing to live by the same rules. I take no pride in the fact that Congress—with more than 37,000 employees throughout the country—is the last company town in America.

Some of my colleagues will charge that my idea of covering Congress violates the speech and debate clause, or the doctrine of separation of powers. I'm confident it doesn't, and I'll be ready, during consideration of the civil rights bill, to debate this issue fully.

So, Mr. President, for all of these reasons, I regret I cannot support the family and medical leave bill.

How, then, do we assist families as they struggle to raise their children and care for loved ones and earn a living? One way is to put money in their pockets and relieve some of the day-to-day pressure on those struggling to make ends meet. I have introduced the emergency tax relief for families legislation consisting of two bills that would provide much-needed tax assistance to families.

The first bill would expand the young child tax credit to up to $500 for families with adjusted gross income of under $50,000 and children under 5 years old.

The second bill would increase the dependent Federal tax exemption from the current $2,100 to $7,000 by the year 2000. Specifically, this measure will increase the exemption from the current $2,100 to $3,000 by the next tax season followed by approximately a $500 increase every year until we reach the $7,000 mark. The nearly $5,000 loss due to inflation only underscores the growing unfairness to families reflected in the Tax Code.

It is choice and flexibility that assists families. Many families have limited choices because they have limited resources. My tax initiative would provide many families with the resources to make some choices. Flexibility also helps families—whether it is the flexibility to spend their money as they wish or to select the benefits that assist them the most. The family and medical leave bill eliminates choice and flexibility. The goals of this bill are worthy, but mandated leave benefits and their associated costs are not the most efficient means to achieve this goal.

Mr. CRANSTON. Mr. President, I rise today in support of, S. 5, the Family and Medical Leave Act of 1991. I am proud to be an original cosponsor of this legislation, which is aimed at helping families cope with the pressures and problems of combining family responsibilities and needs with the demands of the workplace.

Our Nation's work force has changed dramatically in the past decade. A majority of parents are in the work force today, and they face tremendous difficulties in attempting to meet dual obligations. All too often, rigid and inflexible policies have hindered those efforts. Studies, like one conducted by the Women's Legal Defense Fund, document why this legislation is needed. This study, "Working Families Speak: Case Studies of Americans Who Needed Family and Medical Leave," consists of case studies from around the country which detail the tragic stories of family members who lost their jobs because they took time off for the birth or adoption of a child, or to care for a sick relative. This legislation is needed to prevent these situations and to help keep people off the unemployment rolls.

The cost of this legislation has been of great concern to many members of the business community. A study commissioned by the Small Business Administration, however, showed that the net cost to employers of placing workers on leave is always substantially smaller than the cost of terminating an employee. An analysis done by the GAO concluded that there would be little, if any measurable net costs to employers resulting from enactment of this legislation beyond the cost of continuing health insurance coverage during the period of unpaid leave. The GAO estimates the cost of providing medical and family leave to be $5.30 per eligible employee per year. Many studies have concluded that it is more cost effective to implement a leave policy than to hire and retrain new workers.

There is much that needs to be done to make work and family life more compatible, and we need to continue to develop proposals designed to help families stay together and function better while fulfilling multiple responsibilities. Working men and women need compassionate policies that allow them to function both as part of strong families and as productive members of the work force. This legislation is a step toward assisting families in meeting their dual responsibilities in a manner that is fair to employers and employees alike. It is unfortunate that in the course of consideration of this legislation, compromises were reached which would deny the protections outlined to millions of American workers. Nevertheless, the Family and Medical Leave Act offers an opportunity to do something really constructive to help families function, and I urge passage of this important and greatly needed legislation.

Mr. BRADLEY. Mr. President, I am pleased that the Family Medical Leave Act of 1991 is again before us. I am a cosponsor of the Senate bill and am a supporter of the Bond-Ford-Coats substitute amendment. This act provides up to 12 weeks per year of unpaid job-protected leave for employees for personal or family medical reasons, and for parents upon the birth or adoption of a child up to the age of 18. Businesses with less than 50 employees would be exempt from the bill. This act supports the American family and supports American economic growth into

the 21st century through support of the American work force.

The number of mothers of childbearing age who have entered the work force—as well as the growing number of older Americans in need of family support and care—has made family medical leave an issue of growing need and concern. Nationally, 51 percent of mothers of children under the age of 1 are in the labor force, 66 percent of mothers with school-aged children are in the labor force, 96 percent of all fathers with school-aged children are in the labor force, and over 2 million families provide care for the frail and elderly that live in the communities of our country.

Mr. President, it is a fact of present-day American society that in over 85 percent of households both parents work or a single parent supports the family. I am increasingly concerned that we find ways to reconcile the need to help families care for their children—as well as their aging parents—with the need for working parents to remain productive members of the work force. I believe that the Family Medical Act addresses the concerns of working parents and provides appropriate job security for these families.

The American work force should not be forced to choose between their jobs and caring for their families. I urge adoption of this legislation and I urge the President not to veto it. America's families need this legislation.

Mr. BAUCUS. Mr. President, I do not take this vote lightly. This legislation, the Family Medical Leave Act, has been the subject of debate for many years. I have thought about this proposal from every angle over a long period of time, and my conclusion is to support it.

I represent a State whose economy is overwhelmingly made up of small business. Most are very small, four or fewer employees.

This legislation, because it exempts businesses with fewer than 50 employees, won't help most Montanans. And Montanans have just as great a need for family and medical leave as anyone in any State.

I know the burdens facing small businesses across this Nation. As a member of the Small Business Committee, I have heard countless hours of testimony on the difficulties created by endless Federal regulations that take precious time away from the real work at hand—running a business, contributing to the economy, producing a payroll and a livelihood for employees, and of course paying taxes.

Small businesses are the cornerstone of our country's economy. And yet small businesses often get the short end of the stick. They pay more for health insurance just because they're small. They can't take advantage of many of the benefits available to big corporations, particularly leverage in purchasing, tax breaks, and access to greater resources.

I am convinced that mandates are not a good idea, as a general rule, because they create and add to the burdens faced by small businesses.

But there are some burdens and responsibilities that must be borne by all, large and small. Minimum wage rates, a safe workplace, and equal employment opportunity, for example.

Mr. President, I support the Bond-Ford compromise because in our society workers and their families need the protections it affords. The family is in trouble, and we need to ease the burdens upon it. There are times when sick children need their parents to be with them. There are times when an elderly person needs their adult children to care for them. Families should be able to take care of their own without the threat of losing their job.

Mr. President, this is a fairness question as well as an economic one. Employers can take leave if they wish, and so should their employees. In addition, every other industrialized nation has a family-leave policy.

As I have said, this compromise will still leave employees of most small businesses without these protections. Should this bill become law, it is my hope that as large companies implement family-leave policies, smaller businesses will see the advantages to their employees—and to their business—of following suit voluntarily.

Mr. ROCKEFELLER. Mr. President, I am proud to be an original cosponsor of Senator DODD's Family and Medical Leave Act. This bill is an important measure to ease the stress and strain American families face. It deserves to become law. The Senate will pass this bill with bipartisan support, and I urge President Bush to take a fresh look at the legislation.

Instead of vetoing this bill to score political points, the President should reconsider his position and sign this reasonable package to support American families.

Balancing work and family responsibilities is an extremely difficult task. As chairman of the National Commission on Children, I had a unique opportunity to travel across our country to discuss the stress families face in our society.

The commission made a site visit to Charleston, WV. During our visit, each commissioner visited a family in their home to talk with parents and children about making ends meet. Such one-on-one visits are truly illuminating. Demands on a parent's time are enormous.

Both parents in these families desperately needed to work, usually full time, just to pay the bills, buy groceries and other necessities. But these parents also worried about health insurance and care for their children. They didn't know what they would do if their child became seriously ill and needed their care, but they couldn't get time off. They cannot afford to lose their job and the health insurance coverage it provides. No parent should be forced to choose between caring for a child, during a serious medical emergency, and losing their livelihood.

Conflicting obligations and responsibilities cause tremendous stress and impose difficult choices.

The birth or adoption of a child is a wonderful event for families. But it is also a dramatic change and people need time to make adjustments. Parents must revise their schedules and adapt to caring for an infant. Having time to nurture an infant and build lasting bonds is crucial, especially during the first few months of life. Working parents would like to take some time off when they have a child, but they need the security of knowing they can return to their job within a few months.

Likewise, when tragedies occur, families also need time to cope. During a serious illness, families often face a crisis. If both a husband and wife work, who can care for an aging parent during a serious illness? Or who can stay home for a few weeks with a gravely ill child? What happens when a person faces a serious illness and is unable to work for several weeks? In such circumstances, families will be facing huge medical bills, so having a secure job to return to after taking time off to care for a family member is a priority.

Senator DODD's bill offers answers to families struggling to cope with these situations. It is a very reasonable measure to provide 12 weeks of unpaid leave to employees for the birth or adoption of a child. It will also cover individuals who need time off because of a serious personal health problem which makes them unable to work, or people who must take time to care for a seriously ill family member.

Under this legislation, people who need time off could take it with the secure knowledge that their job would be waiting for them at the end of those 12 weeks. During their unpaid leave, their health benefit rights would also be protected.

This bill offers families security and support so that working adults can cope with major family events without running the risk of losing a job.

The legislation also recognizes the legitimate concerns of businesses. Genuine efforts have been made to respond to the concerns of small businesses. I commend Senator DODD for his extraordinary efforts to reach out to the business community. Every reasonable effort has been made to minimize the impact of family leave on small businesses. A bipartisan compromise is within our reach.

I also want to stress the benefits of having a family-leave policy. Companies that already offer family leave report gains in productivity, higher re-

tention rates, and reduction in replacement and retraining costs.

Our families are changing. Many children are raised in single-parent homes. Women have joined the work force in record numbers. More than 66 percent of married mothers are now looking for work outside the home. Such dramatic changes have increased pressures on families. To respond to these changes, our country needs to develop more flexible workplace policies and practices.

All of our major industrialized competitors—a total of 57 countries—have some type of family-leave policy. Our country stands alone in its unwillingness to encourage business to offer family-leave policies. This should be changed. We should pass the Family and Medical Leave Act, and President Bush should sign it.

Mr. AKAKA. Mr. President, I rise in strong support of the Family and Medical Leave Act of 1991. I am proud to be an original cosponsor of S. 5, and commend the senior Senator from Connecticut [Mr. DODD] for his leadership on this issue. I also want to associate myself with the insightful opening remarks delivered by my friend from Connecticut earlier this afternoon.

Mr. President, I strongly support this beneficial legislation to provide 12 weeks of unpaid leave to care for a newborn or adopted child, a sick spouse, child, or parent, or for an employee's own treatment of a serious illness, protect an employee's job and benefits, and continue health insurance coverage during the unpaid leave. It disturbs me that the United States is the only major industrialized country without a family leave policy. All of our economic competitors, including Germany, Japan, and Canada, have recognized the importance, indeed, the national interest, of helping workers balance occupational and familial responsibilities. This legislation gives substance to the rhetoric of concern voiced by so many of us in support of the American family and traditional family values.

S. 5 is necessary to promote the stability and economic security of families. Demographics show that the baby boom generation is becoming increasingly caught between child care and parent care in three-generation households. Furthermore, the number of single-parent households and those in which both parents work is increasing significantly. Yet, national employment policies have the effect of forcing individuals to choose between job security and their families. Indeed, it is time for the administration to realize the stresses and difficult decisions confronting today's working families.

Mr. President, S. 5 affords the American wage earner a minimal safety net of job security when family needs require their complete attention. Opponents of S. 5 have argued that the bill mandates costly new benefits, which impose unrealistic and anticompetitive burdens upon the business community. In reality, nothing could be further from the truth. A 1990 survey of business, commissioned by the Small Business Administration, concluded that costs incurred by business with the enactment of S. 5 would be nominal. The SBA study further found the costs of permanently replacing an employee to be significantly greater than those of granting an employee up to 12 weeks of leave. Studies done by the General Accounting Office and other impartial organizations have reinforced the SBA findings.

The Family and Medical Leave Act will also advance the goal of equal employment opportunity for men and women. Due to the nature of the roles of men and women in our society, primary responsibility for family caretaking often falls upon women, and historically affects their careers considerably more than those of men. This reality of life has created the serious possibility that employers may discriminate against employees and job applicants who are women. This legislation will serve to minimize the potential for job discrimination on the basis of sex by ensuring that leave is available on a gender-neutral basis.

Mr. President, most of today's two-parent families are working families. Sixty-six percent of mothers with school-aged children work outside the home. Fifty-one percent of mothers with infants under age 1 are in the paid labor force. In my own State of Hawaii, the percentage of mothers working outside the home is even higher.

In Hawaii, by and large, it is imperative that both parents work outside the home to provide the basic necessities for their families. Our cost of living, the high cost of housing, food, and transportation require both parents to work. In addition, familial and economic realities have resulted in situations where a large number of multigenerational or extended families share a residence. A person caring for a newborn infant, sick child, or elderly parent should not have the additional hardship of worrying about job security or continued health benefits.

Mr. President, I also support the amendment offered by Senator BOND and Senator FORD which provides greater flexibility and safeguards for employers covered under the act. Great care has been taken to incorporate the concerns expressed by employers into the Family and Medical Leave Act. The Bond-Ford amendment would allow covered employers to exempt key employees, and tighten restrictions on part-time workers who are eligible.

By establishing good faith exceptions for employers and streamlining enforcement provisions to parallel enforcement procedures under the Fair Labor Standards Act, the Bond-Ford amendment would also address the objection raised with the bill the Congress passed last year regarding the possible increase in lawsuits. The amendment also eliminates consequential damages and limits damage remedies to an employee wrongfully denied leave.

Mr. President, this legislation is far from the comprehensive family and medical emergency coverage many of us support, and it is not the onerous, burdensome Government mandate that opponents have attempted to portray. Rather, S. 5 is a responsible, reasonable bill which takes into account the economic realities confronting workers and employers in the American workplace. It represents a good faith, flexible compromise and deserves our enthusiastic support. I urge my colleagues to vote for S. 5.

Mr. LEVIN. Mr. President, I am pleased to be an original cosponsor of the Family and Medical Leave Act of 1991 which would provide 12 weeks of unpaid employee leave for the birth or adoption of a child, or the serious illness of the employee or an immediate family member. This balanced proposal will help our Nation stay in step with the changing needs and structure of the American family.

In the last 25 years, there have been dramatic changes in the composition of the American work force. Most notable is the significant increase in two-earner and single-parent families. Currently there are nearly 29 million two-earner families in the United States and 7.7 million single-parent families. This shift in work trends make today's families particularly susceptible to economic ruin when a parent loses his or her job because of a personal or family illness or the birth of a child.

The Family and Medical Leave Act also covers the illness of an elderly parent. According to the National Council on Aging, nearly two-thirds of the nonprofessional caregivers of elderly, ill, or disabled persons are working women. Informal, unpaid caregiving by family members and friends provides 80 to 90 percent of the care to the elderly.

Employees should not be punished because they need time to take care of their families. Children are born. Family members get sick. Parents should not have to choose between economic ruin and caring for their loved ones. It is time to support public policies which promote the interests of the family.

As a member of the Senate Small Business Committee, I am particularly supportive of the proposals put forth in the Dodd-Bond amendment to this legislation. This amendment seeks to further lessen the burden on smaller businesses and make implementation of this leave a smoother procedure. For example, the Dodd-Bond amendment would implement a key-employee exemption which would enable employers to exempt the highest paid 10 percent

of the employees from coverage of this act. This would decrease the odds of smaller businesses losing upper level employees whose absence could greatly disrupt the flow of business. The Dodd-Bond amendment would define eligible employees as those who have worked 25 hours per week over the previous 12 months. The original proposal required only 20 hours per week over 12 months.

It is important to note that this legislation, because it applies solely to businesses with more than 50 employees, exempts 95 percent of our Nation's businesses. This is a dramatic figure. Further, it has been reported the Family and Medical Leave Act would impose minimal cost to the 5 percent of businesses it does cover. In 1989, a General Accounting Office study estimated that the annual cost of this bill would amount to only $5.30 per covered employee. In a similar study, the Small Business Administration [SBA] stated that "the net cost to employers of placing workers on leave is always significantly smaller than the cost of terminating an employee." The SBA therefore concluded that the costs to small businesses would be relatively small. Studies conducted in States which have already enacted family leave laws have shown that employers in these States have been able to adhere to these laws at minimal cost with few problems in implementation.

Mr. President, this legislation strikes the appropriate balance between the humanitarian needs of the family and the business needs of the employer. It should become law.

Mr. THURMOND. Mr. President, I rise today in opposition to S. 5, the Family and Medical Leave Act of 1991.

Over the past few years, the Congress has debated various proposals which would mandate employers to provide several weeks of family and medical leave for the birth or adoption of a child, of for the care of a sick family member. While family and medical leave is desirable and should be encouraged, a Federal mandate in this area—as this legislation would require—does not take into account the varying needs and circumstances of employers and employees.

One employee may want a family leave benefit, while another may prefer to choose a different one from among the wide range of benefits now being offered by many businesses. I am concerned that this legislation could hamper the ability of employees to freely choose benefits which best meet their individual needs.

It is important to note that the side offerings of employee benefits in the late 1980's and early 1990's have resulted from the energy, vitality, and flexibility of the private sector. These offerings demonstrate the ability of American business to respond to a changing market and a willingness to accommodate the needs of a diverse work force.

Businesses should continue to have the freedom to respond to the market, and not have mandates for benefits. From the very formative years of this Nation, the free market has played a vital role in the private sector and employer/employee relations. Let us continue to build on this freedom.

Because I believe S. 5 stifles these market principles, and the rights of individuals to choose among different benefits, I intend to vote against this legislation.

•Mr. HARKIN. Mr. President, I rise today to voice my support for S. 5, the Family and Medical Leave Act of 1991, and to urge my colleagues to do the same. I am pleased to have been an original cosponsor of the bill and would like to express my appreciation to Senator DODD for the work he has done to focus on the needs of children and families.

Since World War II we have witnessed tremendous demographic and societal changes in our country. In more than 85 percent of U.S. families, either both parents or a single parent are employed outside the home; two-thirds of mothers with children under the age of three work outside the home; and 24 percent of all children grow up in single parent families. The work force has changed dramatically since the 1950s when in most families, only the father worked outside the home. This bill not only recognizes the many changes that have happened to families and children but considers the responsibilities many Americans have in providing care for older relatives. This is profamily legislation for the 1990s.

There currently is a patchwork of State laws and employer benefit plans which provide family and medical leave benefits, but no comprehensive national policy. We have strong and convincing data that family and medical leave policies make good business sense with reduced employee training costs and increased worker productivity. However, the coverage is disparate.

This bill is a modest approach and balances the interests of business with the needs of families. Briefly, the bill offers job protection and continues health insurance benefits for workers during times of family crisis. The legislation provides up to 12 weeks of unpaid leave for childbirth, adoption, or serious illness of an immediate family member. Small businesses are exempt from providing coverage and the General Accounting Office estimates the annual cost will be about $5.30 per employee. This is a small price for the peace of mind provided for workers trying to balance work and family responsibilities.

If you listen to the arguments against family and medical leave they sound familiar. Opponents argue that the leave will be difficult to administer and will cost businesses too much money. These arguments sound familiar because they were the same arguments used to oppose enactment of child labor laws, minimum wage and the 40-hour work week.

We now have data from a recent Oregon study of parental leave programs in that State which disputes some of the arguments against this legislation. In 1988, Oregon enacted legislation that offered unpaid parental and pregnancy leave for workers, with an exemption for small business. Since that time there have been only 34 complaints from employees who were denied leave benefits. Only 12 percent of employers found the leave policy difficult to implement, and 88 percent said they did not have to reduce other benefits in order to provide the protection; 94 percent of workers have endorsed the law. The success of the parental leave program prompted the Senate of Oregon to expand the program to include family medical leave, making it comparable to the legislation we are considering today. If it works for Oregon, it will work for the country.

More than 160 organizations, including the National Parent Teacher Association, the Children's Defense Fund, and the National Association of Area Agencies on Aging, have endorsed the Family and Medical Leave Act and have worked for enactment of this important legislation. I urge my colleagues to vote to provide this much needed and long overdue protection for American workers and their families.•

Mr. HATFIELD. Mr. President, I rise today as a strong supporter of S. 5, the Family and Medical Leave Act of 1991. Traditionally, I have been reluctant to support congressional action to impose new mandates on the business community. However, I have few reservations today. I have been a cosponsor of this legislation in each of the last three sessions of Congress because I believe a national family leave, policy is in the best interest of this country.

There are many compelling reasons for supporting family leave not the least of which is the activity in my own State of Oregon. Oregon has adopted a broad family leave policy and has been a leader in the implementation and promotion of national parental leave legislation. Oregon's current law covers employees who work for companies with 25 or more full- or part-time employees and provides for 12 weeks of leave. Oregon's experience thus far has been very positive. Benefits have not been reduced, companies have not gone bankrupt or had massive layoffs, and parents have returned to work. In some instances we have even seen employers expand benefits beyond what the current law requires. Due to the success of parental leave in Oregon, our State legislature recently amended the law to include medical leave as well.

The States have always been excellent laboratories for good public policy. This case is no exception. Oregon's model proves that family leave is not a fiscal disaster but a necessary part of our national effort to support America's families. I believe the time has come for us to put our families first, not because it is politically popular but because it is critical to our continued development as a compassionate nation. We must move this legislation to the top of the agenda of national priorities.

Mr. President, I have personally seen the benefits of family leave. I view my staff as my extended family and have always placed a high priority on the human needs of each individual in my employ. While I have normally offered extended leave periods to my staff, recently I have taken this a step further by providing paid leave for the first month of leave in most cases. I am also flexible in making further arrangements if one of my "family members" suffers from a catastrophic illness or injury. I have adopted this policy for one simple reason—to reinforce the belief that one's family should not be held hostage to an individual's paycheck.

We all know that the American economy is dependent on its working families. And the work force is changing: 66 percent of mothers with school-aged children are in the paid labor force; 51 percent of mothers with infants work outside the home. Women accounted for more than three-fifths of the increase in the civilian labor force since 1979. These demographics force us to alter our workplaces to meet the needs of America's new work force.

America is one of the few industrialized countries which does not have a comprehensive approach to providing leave to care for other family members as well as leave to workers who need to recover from their own illness or injury. With the exception of the United States, most of the industrialized countries, including many third world countries, 135 in all, have some form of parental leave. For example, Austria, Japan, and Sweden all provide some form of paid parental leave. Rather than viewing these policies in terms of their minimal fiscal constraints, these countries have clearly put their priority on strong families. They can't help but benefit from the impact of their decision.

If we as legislators expect to help many of this Nation's poor break the cycles of poverty, how can we deny them the opportunity to care for a sick loved one or give birth to a new child without the threat of losing their jobs? Medical leave is crucial to low-income workers who are economically vulnerable to injury or illness. I need not remind this body that single-parent families are on the rise in this country. Many families are not only dependent on a single individual's paycheck but also as the sole provider of health insurance and parenting. The opportunity to care for an ill loved one rather than risk financial catastrophe is a serious concern for many of these families. It is time that we give the American workers the opportunity to stay off welfare and unemployment rolls and remain on the company payrolls. It is time we put people first.

I know that this legislation is not a cure-all to many of the problems and concerns which I have raised today. However, this is a step in the right direction. I won't argue that 12 weeks is enough time for a mother and a newborn to bond properly. I won't argue that 12 weeks is enough time to care for someone who is suffering from the devastating effects of Alzheimer's disease or any other catastrophic disease or injury. However, I do feel that an acceptable balance can and has been reached between the fiscal impacts of a national leave policy and the needs of our families. I am proud of the work done in my State on this issue and I strongly believe the scepter is now appropriately passed to the Congress.

Mr. MCCONNELL. Mr. President, my vote today on the Bond substitute to the Family and Medical Leave Act of 1991, also known as S. 5, is not so much a reflection of my views on the merits of the legislation as it is an expression of concern about the bill's potential effects on an already feeble economy.

I have nothing but respect for the principal author of this substitute amendment, my colleague from the State of Missouri, and I believe his efforts to find a compromise on this issue deserve the strongest commendation.

Further, I have been a supporter of generous family and medical leave policies, not only for the private sector, but for the Government as well, including my own Senate offices. As an employer who has strived to accommodate my employees' family needs, I have found it absolutely essential to have flexibility in arranging mutually agreeable extended leaves of absence.

Just as no two personal circumstances are the same, no one solution can easily embrace them all. Some employees need a few months at half pay, some need to work at home, some need to work part time; and as long as the employee has done a good job in the past, any reasonable employer will do his or her very best to accommodate that unique need. But with family leave, one size does not fit all.

Nevertheless, not all employers are reasonable; and because of that, I understand the reason for the Family and Medical Leave Act. We need to protect employees, and strike a balance between the needs of the marketplace and the needs of individuals who work in that marketplace. That was my reason for supporting similar legislation last year, although no recorded vote ever was taken on the issue.

Nevertheless, we are living in markedly different times from those which accompanied the debate on family leave in past Congresses. In previous years, this country enjoyed an era of unprecedented economic expansion: Businesses were sprouting up, new jobs were being created, real income was rising, and unemployment was falling.

In some sense, we could afford to consider new workplace mandates while our economy was expanding. Businesses, it seemed, could absorb all the added costs imposed by congressional fiat. So, for the last several years, Congress has piled on more regulations, new obligations, free benefits, and higher taxes—and for a while, the economy kept growing despite it all.

Today, however, we are mired in a continuing recession. Our Nation's economy is in feeble health, its fiscal arteries clogged by tax increases and massive regulatory burdens. Compare where this country is today with where we were only a year ago: Last June, when we considered a family leave bill similar to the package before us today, the unemployment rate nationwide was only 5.3 percent. A year later, total unemployment spiked at 7 percent and has dropped off only slightly since then.

In each of the five quarters since the family leave bill was passed by the Senate last year, the U.S. gross national product has increased by less than 2 percent per quarter. In fact, in three of those five quarters, the GNP has actually shrunk. Factory orders are down, construction spending is down, durable goods orders are down, and no one has the confidence to lend money to stimulate a recovery.

My home State of Kentucky has taken it particularly hard on the chin in these difficult economic times. Layoffs have spurred the unemployment rate up to 7.4 percent in Kentucky. In June 1990, when we were discussing this legislation, Kentucky's unemployment rate was 6.1 percent.

Some Kentucky businesses have simply shut their doors. And all of the other business people with whom I've met over the last several months tell me they simply cannot afford another cost or requirement or burden or regulation. They are on the brink. My concern is that any further mandate—even one that I might support in better times—could be the straw that breaks the camel's back in such extremely fragile economic circumstances.

The top priority of this Congress and the administration must be to get the economy back on its feet. Only then, when people are back at work, when more jobs are being created again, and when this country's fiscal health is restored, then we can look at proposals like this one to make jobs better and workers' lives easier.

I am looking forward to that day as much as everyone else in America. Until then, however, I cannot support any massive work force mandates like the measure before us today. Too much has changed and too much is at risk with regard to our Nation's economic future.

As a gesture of good faith, however, I support the substitute amendment offered by Senator HATCH, which requires firms to give rehiring preference to employees who take up to 6 years of leave for family or medical reasons. This measure advances the same concerns of the underlying bill—as well as the bill I supported last year—without placing an unsustainable burden on businesses and the economy. My hope is that Congress will take this affirmative step in the right direction, and then revisit this issue when the economy is on a sounder footing.

Mr. President, I yield the floor.

Mr. METZENBAUM. Mr. President, I admit to some mixed emotions about the subject of today's debate. On the one hand, I wish to commend Senator DODD for his steadfast leadership on this critical issue for working families. Once again, I am pleased to be an original cosponsor of S. 5, the Family and Medical Leave Act.

But, at the same time, I am frustrated that we have to repeat this debate this year. This legislation is long overdue. Frankly, it should have been signed into law last year.

Regrettably, President Bush vetoed this carefully tailored measure last year. Instead of responding to the needs of America's working families, he once again sided with the high-priced corporate lobbyists.

We need this legislation to keep pace with profound changes in the American working family. The once-typical single wage-earner family is rapidly vanishing. Less than 10 percent of American families fit that model. Instead, today's typical family depends on two incomes to survive. Nearly 60 percent of American women are now in the work force.

But workplace practices have not kept pace with this revolutionary change in the makeup of the work force. Workers are all too often forced to choose between a job and a family. This bill allows workers to have both—job security along with the time needed to care for a family member. No worker should lose a job because he or she needs to take a few days or a few weeks off to care for a newborn infant, a sick child, or a dying parent or spouse.

Let me take a moment to emphasize the need for the bill's elder and spousal care provisions. We can all recognize the importance of providing leave for parents of newborn or adopted children. That issue goes to the heart of making our young, working families as strong as possible.

But we must also recognize the significance of granting the same protection to mature, working families, by providing leave for spousal or elder care. The statistics demonstrate that older workers, particularly older women, increasingly have primary responsibility to care for all family members—older parents, spouses, and children. A significant percentage of these working caregivers have had to quit jobs, rearrange work schedules, reduce work hours, or take time off without pay to fulfill caregiving obligations. They need the protection of this legislation as much as young parents.

This year, as in years past, we have again heard business lobbyists make shrill predictions that this bill will ruin our economy and mark the end of capitalism as we know it. We have heard that song as a reason to oppose Social Security, minimum wage, child labor, civil rights, plant closing, and many other types of decent, progressive legislation. It is a tired refrain, one that has been proved false as often as it has been raised.

In this instance, the business lobbyists' complaints are ridiculous. First, we have already exempted 95 percent of the businesses in this country. Not 25 percent, not 50 percent, but 95 percent. That exception nearly swallows the rule, leaving over 60 percent of the work force unprotected. I do not believe that such a broad exemption is warranted, but I accept with reluctance that it was necessary as part of this compromise.

Second, let's remember the most stark fact about this bill: The leave it provides is unpaid. There is zero payroll cost. The only cost a covered employer would face would result from the continuation of health insurance coverage. The U.S. General Accounting Office estimates that cost to be only $5.30 per employee per year. I am sure the business community has paid each of their lobbyists a lot more than five bucks to lobby against this bill.

Moreover, that is a paltry sum compared to what we lose every year in production, training costs, and public assistance expenditures due to the lack of a national leave policy. The Institute for Women's Policy Research puts this number at $715 million a year.

So let us pass this legislation now, before it gets watered down beyond recognition. This profamily legislation is a matter of basic human decency. I urge my colleagues to support it, and I urge the President to come to his senses and sign it when it comes across his desk. To those in the business community who so vehemently oppose it, I would only say, "brother, can't you spare five bucks?"

Mr. MACK. Mr. President, the family and medical leave bill which we are discussing today is a classic example of legislation that will have the opposite effect of what its authors intend.

The bill's objective is clear. It attempts to give working families the opportunity to take unpaid leave to attend to family and medical emergencies, while retaining the ability to return to those same jobs after the emergency is over. It's a great concept. But the method is just plain wrong.

If I thought for one moment that this bill would truly help families, I would enthusiastically support it. The truth is that the Family and Medical Leave Act displays a remarkable lack of understanding of how the world works.

If Congress mandates that businesses have to provide unpaid leave for employees, two things will happen. First, businesses will employ relatively fewer of the kinds of people who are likely to need to take family and medical leave. This certainly means that women of child-bearing age will be hurt, not helped by this bill.

The second effect is that marginal businesses will cease operating or hire fewer workers than they otherwise would. It is certainly true that losers here will be lower skilled workers.

Mr. President, this bill is not only the product of illogical thinking, but it is a symptom of the antigrowth agenda of the U.S. Congress.

Nobody on this floor disagrees with what this legislation intends to do. I would love to see American workers wealth enough to able to take unpaid leave for all sorts of family and medical emergencies. Even more, I'd love to see American businesses healthy enough to be able to provide paid leave, not just unpaid leave, for their workers.

But those circumstances will not occur so long as Congress refuses to enact legislation that generates economic growth and stimulates job and wealth creation. With rare exceptions, Congress has been consistently antagonistic toward the kinds of policies which improve the economic well-being of American families.

Congress has no excuses. It is no secret that if we reduce tax and regulatory burdens, the U.S. Congress can do much more to produce an economic climate where families can afford to deal with medical and other emergencies.

But we do not enact these kinds of policies. Congress has consistently resisted attempts to pass progrowth legislation. Congress has refused to lower the capital gains tax rate; ignored the presence of the confiscatory Social Security earnings test; failed to assure that the personal exemption kept pace with inflation; and stubbornly raised new taxes and tax rates in the misguided belief that only the wealthy will be affected. If Congress were to adopt a positive attitude toward the creation of family wealth, even the concept of a Family and Medical Leave Act would be redundant.

But until Congress ceases its vendetta against wealth creation, the cir-

cumstances that have spawned the Family and Medical Leave Act will continue. I cannot and will not support this misguided legislation.

FAMILY AND MEDICAL LEAVE ACT WILL PROVIDE BADLY NEEDED HELP TO OUR FAMILIES

Mr. KERRY. Mr. President, it has been said that the only constant is change. Nowhere is that more completely the case than in and with respect to the American work force. We have witnessed one profound change after another. Many—indeed, arguably most—of the change has been to the immediate benefit of employees, as work environments and working conditions have been made healthier, safer, and more pleasant. Laws such as minimum wage and collective bargaining have offered an important measure of equity and minimum economic standards; the majority of employees have come to be covered by health insurance and other benefits provided and partially to fully funded by employers.

But in some respects the change in the complexion of the work force itself, mirroring other cultural, social, and economic movement, has outstripped the adjustments to accommodate those changes.

That surely is true in the case of the dramatic increase in the incidence of single-parent families with children, very significant increase in cases where both parents in a family work outside the home, and increasing numbers of cases where families find themselves with partial or complete responsibility to provide care for elderly or infirm relatives.

Where both parents work, the case in a majority of American intact families, or where a single parent works, an illness of any family member or the birth of another child often forces Americans in the work force to make an excruciating choice between meeting the needs of their families and their need for employment. While there has been a steady increase in the quantity and quality of employer-provided fringe benefits, so that a majority of American workers are provided some form of medical insurance, and many employers offer some form of family or medical leave, there is no uniformity across industries or across the Nation.

Most employers who offer any form of family or medical leave limit its applicability to complications for the mother or child related to child birth. It has been reported that only 16 percent of employers have a policy permitting a worker to take leave—even leave without pay—in the case of an ill child or other family member, and only 14 percent of employers have a policy permitting a worker to take leave in the case of an ill parent.

Mr. President, this is causing untold grief for untold millions of Americans. The anguish of illness is compounded by the anguish of making the untenable choice between caring for family members or working. When one realizes that the United States is the only industrialized nation in the world without a national family leave policy, I can see no justification for the Congress not acting immediately to establish such a policy.

Doing so is not just beneficial for American workers and their families. Aiding families in this way will enable them to be stronger. It is probable that workers from such families, experiencing less stress and fewer untenable choices, will be a more stable and dependable work force with higher productivity. Businesses will not experience, with nearly the current frequency, the loss of the experience and knowledge represented in long-time employees who have chosen their families when forced to choose between them and their jobs.

Particularly with the adoption of the Bond-Ford substitute today, I am satisfied that the bill on which we are voting has been crafted in such a way that the legitimate and important concerns of the business community have been addressed responsibly:

Small businesses with 50 or fewer employees have been exempted—an exemption which, incidentally, covers 95 percent of employers in the Nation.

Employee coverage by the bill's provisions is extended only to those who have worked 1,250 hours over the previous 12 months—or 25 hours per week on average—and for at least 12 months.

Enforcement procedures have been simplified and streamlined to parallel longstanding Fair Labor Standards Act procedures.

All consequential damages are eliminated and damage remedies are limited to actual losses. Employers are permitted "good faith" exceptions when they have reasonable grounds for believing they have not violated the law.

Employees must provide 30 days notice for foreseeable leaves for birth, adoption, or planned medical treatments, and must provide medical certification justifying the need for leave for the employee's or immediate family member's illness.

Employers may recapture health insurance premiums paid on behalf of employees on leave if the employee does not return to work other than in exceptional circumstances.

I wish to offer my sincere compliments to the senior Senator from Connecticut, Mr. DODD, for his tireless efforts to develop this legislation and bring it to this point of Senate passage. I extend compliments and appreciation to the distinguished Senator from Missouri, Mr. BOND, and the distinguished Senator from Kentucky, Mr. FORD, who labored with the Senator from Connecticut to produce the compromise which will achieve significant bipartisan support today.

Mr. President, this Nation needs this legislation. American families need this legislation. This is no longer a cutting edge or frontier issue in the developed world. We are, regrettably, virtually the last in line to take such a step. It has been too long in coming, but, truly, it is better late than never.

I enthusiastically endorse the bill as amended today and urge President Bush to accept the idea that its time has arrived and permit his administration to work with its proponents in both the Senate and the House to complete action on the legislation in the very near future.

Mr. CHAFEE. Mr. President, I am pleased to support the compromise amendment offered to the Family and Medical Leave bill by my distinguished colleagues, Senators BOND, FORD, and COATS.

Senator BOND and Senator DODD, the principal sponsor of S. 5, should be congratulated for their efforts to work out an agreement on the Family and Medical Leave bill. Every good piece of legislation requires some tradeoffs, some compromises, and today's final product is the result of many years of hard work.

I have supported parental leave legislation for a number of years. Back in the 100th Congress, I joined my friend from Connecticut, Senator DODD, as a principal cosponsor of the Parental and Medical Leave Act of 1988. Although that legislation has evolved considerably over the years, today's bill attempts to address the same fundamental issue: how to balance an employee's job responsibilities with his or her family obligations.

The past quarter century has seen dramatic changes in the makeup of the Nation's work force. Women have entered the work force in record numbers. More and more children are being raised by single parents. And in 9 out of 10 two-parent families, both parents work outside the home—usually out of economic necessity.

S. 5 would provide employees with 12 weeks of job security in the event that a worker must request leave to care for a newborn, a sick child, or an ailing parent. It would help ease the fears of employees who fear dismissal if they take an unpaid extended leave due to a family emergency. In short, it is a good bill that responds to the changing needs of the American family and the American worker.

This amendment makes a number of changes to the bill, and goes a long way toward addressing the concerns of the Nation's business community while reflecting our awareness of the need for employees to help care for members of their families.

The compromise package makes three significant changes to S. 5. First, it limits employee eligibility to those individuals who have worked 1,250 hours, or an average of 25 hours per week, over the previous 12 months. Second, it would permit employers to

exempt key employees from coverage under the act. And third, it would prevent abuse of the legislation by requiring employees to repay health insurance premiums paid during the leave if that employee does not return to work at the end of his or her leave.

I urge my colleagues to support this compromise amendment, and I look forward to full Senate approval of S. 5.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 5, the Family and Medical Leave Act of 1991. As a cosponsor of this bill, I strongly believe that parents should not have to choose between their economic livelihood and staying home with their new or sick babies.

Mr. President, it is about time that the Congress enact a family and medical leave bill. At least 75 countries all over the world have already enacted such laws, including all Western industrialized countries. Furthermore, 15 States, including my State have recognized the burden on today's working families and have passed family and medical leave legislation.

Mr. President, we live now in a new world. Recent data show that over 80 percent of working women are in their prime childbearing years. In addition, less than 10 percent of all families are two parent families where the father is the breadwinner and the mother stays at home to care for the family. The Congress needs to recognize these remarkable changes in our society and pass this legislation to provide minimal job security to new parents and people who are forced to deal with family medical emergencies.

Mr. President, adjustments in the bill have been made to address the concerns of business. The bill exempts small businesses with fewer than 50 employees from the provisions of this bill. Key employees, the highest paid 10 percent of the work force, may be excluded by employers. Also, employees must have worked 1,250 hours over the previous 12 months in order to be eligible. This exemption applies to 95 percent of all employers. Secondly, a recent survey of business executives by the Small Business Administration found that granting an employee unpaid family and medical leave costs less than terminating an employee. The study showed that the cost to a business of granting, a worker leave ranged from 97 cents per week to $97.78 per week compared to a total of $1,131 to $3,152 to replace a terminated employee.

I understand that the President has threatened to veto this legislation. I urge my colleagues to pass this bill and override a veto if necessary to bring minimal security to working parents so that they do not have to choose between providing loving care to their family and maintaining economic livelihood.

Mr. BIDEN. Mr. President, today the Senate will pass legislation to establish a national policy for family and medical leave. This is landmark legislation that reflects the changing nature of the American work force.

By choice and by economic necessity, the one-wage earner family is no longer the norm. Gone are the days of father as breadwinner, mother as bread maker. Gone are the days when the men went to work and the women cared for the children. Those were the days of my childhood; but they are not the days of today's children.

Two-thirds of all mothers with children under the age of 3 now work outside the home. Some choose to; some have to. The reasons may vary, but the result does not. With more women working and an increasing number of single-parent households, a national family and medical leave policy is a necessity.

The shift away from the one-wage earner family means that, today, a parent may not be able to be at home in the crucial early days of childhood and during times of great family need. Economic conditions in the 1990's have effectively prevented this needed care from being available. That's what this legislation is all about.

The Family and Medical Leave Act gives families in need a chance to care for each other without having to risk economic disaster. It will provide up to 12 weeks of unpaid leave to care for a newborn child or a seriously ill family member, continue the employee's health benefits, and guarantee that person his or her job upon return.

But in looking at this issue, another lesson is clear, one that Senator HATCH raised this afternoon: 12 weeks of leave may simply not be enough, particularly with newborn children. That is why I find Senator HATCH's alternative proposal—allowing up to 6 years of family leave and 2 years of medical leave—interesting. Unfortunately, it has been offered as an either/or option. Either we vote to grant employees up to 6 years of family leave without a protected job, or we vote to grant 12 weeks of leave with a guaranteed job. Yet, I am not so sure these proposals are in conflict.

The intent of the Family and Medical Leave Act is to give parents the widest range of choices. That is why I would like to see us examine combining these proposals—allowing short unpaid leave with a guaranteed job for those who need short term leave or can afford no more; and at the same time allowing lengthy leave for those who can and want to stay at home with their children for several years. I am not aware of any attempts to combine these proposals, and there are sure to be complications with such a policy. However, it appears to be an approach worth further study.

One of the concerns raised about the Family and Medical Leave Act were fears of tremendous costs this bill could impose on American businesses. I will admit that this is not a whimsical worry; businesses have legitimate concerns. It should be noted, however, that the smallest of businesses—those with less than 50 employees—are exempt from this bill. And for the larger businesses that are covered, the wildest estimates of cost will not be realized.

An authoritative study on this matter was undertaken by the General Accounting Office [GAO] in 1989. The GAO estimated the cost to employers to be $188 million per year. With the recent increase in health insurance premiums—which employers must continue to provide during periods of leave—the total cost of this bill has increased to an estimated $244 million per year. In the aggregate, the numbers are large. But, it amounts to just $5.30 per employee per year. A survey by the Small Business Administration found similar results. The cost to all businesses—before excluding the smallest of businesses as this bill does—would be $6.70 per employee per year.

In 1988, one of the largest companies in the United States, DuPont, surveyed the needs of its employees. The results were not surprising. The survey revealed what the proponents of family and medical leave have recognized all along: that workers place a high priority on the ability to balance work and family. This study should be a signal to business that times have changed. The concerns of today's employees are different from those of a generation ago, and America's companies, to ensure a productive work force, need to recognize that change.

Yet, a 1990 study of 253 corporations found that 72 percent did not offer parental leave, and 62 percent of those said they would only offer the benefit if the Government required them to do so. As for employees, the Bureau of Labor Statistics reports that only 37 percent of females in companies with over 100 employees and just 14 percent of females in companies with less than 100 employees are offered a parental leave benefit. For men, the numbers are much smaller.

I recognize that American businesses have concerns about the effect on their operations. But, this bill represents a good compromise.

American families and America's children have concerns, too. They are looking for assistance to avoid an unpleasant, and truly unnecessary, choice between their jobs and their families. Very few steps could be taken by the U.S. Senate that would serve our Nation's families more than this legislation. I urge my colleagues to vote for this bill.

WISCONSIN FAMILY LEAVE

Mr. KOHL. I thank my colleague for his willingness to help me clarify the intent of this Federal legislation. As he is aware, the State of Wisconsin already has in place the Wisconsin Fam-

ily and Medical Leave Act (section 103.10 Wisconsin Stats and Wisconsin Administrative Code 86.02). There is some concern with the way in which this and other Federal legislation impacts that law and I would appreciate the Senator's understanding of that.

Mr. DODD. Wisconsin has certainly been a pioneer in providing these benefits to employees and I would be happy to respond to the Senator from Wisconsin's questions.

Mr. KOHL. A recent ruling by a Wisconsin administrative law judge held that the provision of Wisconsin FMLA enabling employees to substitute accrued paid leave for unpaid family leave was preempted by ERISA as to an employer's ERISA plan that paid out sick leave. Is it the intent of the sponsors of this bill that the provisions of the Employee Retirement Income Security Act of 1974, as amended, shall not prevent the substitution of accrued paid leave for unpaid family leave, regardless of the source of funding for the paid leave?

Mr. DODD. Yes. The Bond-Ford substitute provides that either an employer or an employee may elect to substitute accrued paid leave for unpaid Family and Medical Leave. The provisions of this Family and Medical Leave Act preempt ERISA. The authors of the legislation have no intent of undercutting the family and medical leave laws of States that currently allow the provision of substitution of accrued paid leave for unpaid family leave, regardless of the nature of the family leave. Certainly, under Wisconsin law, if an employer or an employee opts to substitute accrued paid leave for the purposes of unpaid leave to care for a newly adopted child, it would be our intent that they be allowed to do so.

Mr. KOHL. Another recent decision by a New Jersey lower court held that the provision of New Jersey's State leave legislation requiring that employers continue their contributions to workers' medical coverage during leave is preempted by ERISA. Is it the intent of the sponsors of this bill that the provisions of the Employee Retirement Income Security Act of 1974, as amended, shall not prevent the continuation of employers contributions to workers health insurance coverage during family and medical leave?

Mr. DODD. Yes. The Family and Medical Leave Act also requires that employers continue their contributions to workers' medical coverage during leave. It is the intent of the sponsors of this bill that the provisions of this legislation serve as a floor, not a ceiling.

Mr. KOHL. Is it the intent of the bill sponsors that the provisions of ERISA would not preempt any provisions of State family and medical leave provisions?

Mr. DODD. Yes, as Federal legislation enacted subsequent to ERISA, it is certainly our intent that the Family and Medical Leave Act supercedes ERISA to the extent that ERISA preempts State leave law provisions. Enactment of the Federal FMLA will still allow States to provide even more generous leave protections for workers. The FMLA makes clear that State leave laws that are at least as generous as the Federal legislation are not preempted by ERISA, or any other Federal law.

Mr. KOHL. I thank my colleague from Connecticut. I understand from his remarks that should the State law provide, employers and employees would retain the right to substitute accrued paid leave during their family and medical leave, regardless of the purpose of that leave. I thank my colleagues.

MEASUREMENT OF HOURS OF SERVICE ELIGIBILITY

Mr. BOND. The purpose of section 101(2)(C) is to require use of legal standards and principles applicable to section 7 of the Fair Labor Standards Act, as developed in relevant judicial precedent, and where needed for clarification, Department of Labor regulations, to determine whether an employee has worked the minimum number of hours required for eligibility in this subsection even for employees otherwise excluded or exempt from Fair Labor Standards Act coverage. This section is further intended to incorporate, for the purpose of measuring employee family leave eligibility, the longstanding section 7 work measurement rule that "hours of service" include all hours "controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer", including "all the time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed work place." Applying section 7 standards and principles to the legislation under consideration here will clarify any uncertainty about employee eligibility regarding the latter. I refer my colleagues to the U.S. Supreme Court cases cited in Labor Department section 7 rules at 290 C.F.R. 785.7, since these precedents and rules have been used successfully for well over 40 years in measuring employee eligibility for other Federal labor law benefits like overtime pay which are linked to hours of service.

Mr. DODD. Will my distinguished colleague yield for a point of further clarification?

Mr. BOND. I yield for such purpose.

Mr. DODD. It is my understanding that certain airline industry employees such as flight attendants are exempted from coverage by section 7 and other Fair Labor Standards Act provisions. It is also my understanding that defining and measuring hours of service for such employees varies greatly among the carriers for compensation purposes, especially since many of these employees are paid according to the amount of time they are in the air even though their work also requires them to perform ground duties. Is it the Senator's intent that section 7 work measurement principles shall apply to these and other employees for the limited purpose of deciding family and medical leave eligibility notwithstanding such employees' exclusion or exemption from section 7 or other FLSA provisions?

Mr. BOND. Yes, that is the intent. Section 7 principles would apply to employees such as airline flight attendants for all time they must be on duty, in-flight or otherwise, without regard to their exemption or exclusion from section 7 itself on any other Fair Labor Standards Act provisions.

ATTORNEY'S FEES AND EXPERT WITNESS FEES UNDER FMLA

Mr. DODD. In reviewing section 107(a)(3) of the substitute, I note that a court shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, among other fees and costs, to be paid by the defendant. It is my understanding that this particular provision is modeled after section 216(b) of the Fair Labor Standards Act, and therefore should be interpreted in the same way as the FLSA. According to the Federal courts, the award of attorney's fees under the FLSA is mandatory and unconditional. A court has to discretion to deny fees to a prevailing plaintiff; its discretion extends only to the amount allowed. *Christiansburg Garment Co.* v. *E.E.O.C.*, 434 U.S. 412, 415 n.5 (1978); *Shelton* v. *Ervin*, 830 F.2d 182, 184 (11th Cir. 1987); *United Slate, Tile and Composition Roofers* v. *G&M Roofing*, 732 F.2d 495, 501 (6th Cir. 1984); *Hagelthorn* v. *Kennecott Corp.* 710 F.2d 76, 86 (2d Cir. 1983); *Graham* v. *Henegar*, 640 F.2d 732, 736 (5th Cir. 1981 (en banc). Is my understanding of how section 107(a)(3) is intended to be interpreted correct?

Mr. BOND. The Senator's understanding is indeed correct. The intent of the language is that the award of a reasonable attorney's fee is governed by the FLSA standard as enunciated by the Federal courts.

Mr. DODD. It is also my understanding that under Federal Rule of Civil Procedure 11 a plaintiff may have to pay attorney fees for the defendant.

Mr. BOND. Although rule 11 of the Federal Rules of Civil Procedure also permits the award of fees against a plaintiff who files a frivolous action, such a sanction is available against a plaintiff only when, according to the words of the U.S. Court in *Christianburg Garment Co.* v. *E.E.O.C.*, 98 S. Ct. at 701 "a court finds that his claim was frivolous, unreasonable, or groundless, or that the plaintiff continued to litigate after it clearly became so."

Mr. DODD. I also note that the substitute provides for reasonable expert

witness fees, in addition to any judgment awarded to the plaintiff, to be paid by the defendant. It is my understanding that this provision comes in direct response to the Supreme Court's holding in *West Virginia University hospitals, Inc.* v. *Casey*, 111 S. Ct. 1138 (1991). In that case the Court made clear that expert witness fees will be awarded as part of attorney's fees only if explicitly authorized by statute. Is that understanding correct.

Mr. BOND. Yes. That provision is intended to respond to the Court's holding in West Virginia hospitals by providing explicit authorization for the award of fees for services in litigation rendered by experts.

REQUIREMENT OF 30 DAYS' NOTICE

Mr. DODD. The Bond-Ford substitute requires that an eligible employee provide the employer with at least 30 days' notice of the need for leave for birth, adoption, or planned medical treatment when the need for such leave is foreseeable, "subject to the actual date" of the birth, adoption, or treatment. It is my understanding that such 30-day advance notice is not required in cases of medical emergency or other unforeseen events—for example, a premature birth, or sudden changes in a patient's condition that require a change in scheduled medical treatment. Similarly, parents who are waiting to adopt a child are often given very little notice of the availability of a child. In these situations, it is often impossible for an employee to give 30 days' advance notice. Is it the intent of the Bond-Ford substitute that such notice will not be required in cases of emergency or unforeseen changes in the dates of birth, adoption, or planned medical treatment?

Mr. BOND. Yes. The language "subject to the actual date" of birth, adoption, or planned medical treatment in the Bond-Ford substitute is intended to require 30 days' advance notice of the need for leave to the extent possible and practical. Employees who face emergency medical conditions or unforeseen schedule changes will not be precluded from taking leave if they are unable to give 30 days' advance notice.

CLARIFYING PREGNANCY DISABILITY LEAVE AS MEDICAL LEAVE

Mr. DODD. My understanding of the Bond-Ford substitute is that when a woman is physically unable to work because of pregnancy, childbirth, or related medical conditions, she is entitled to leave for her serious health condition under section 102(a)(1)(D) of the substitute. Thus, while she is on leave for these reasons, she is entitled to any temporary disability or other compensation as the employer or other insurance may provide for these purposes. Is that correct?

Mr. BOND. The Senator is correct.

Mr. DODD. My understanding of the substitute is also that once a woman is physically able to work after recuperating from childbirth and related medical conditions, she is then eligible for leave to care for the newborn child under section 102(a)(1)(A) to the extent that she has not exhausted her 12-week leave period. Is that correct?

Mr. BOND. Yes.

DEFINITION OF EMPLOYER

Mr. DURENBERGER. The Senator from Connecticut defines employer as including "any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer" and "any successor in interest of an employer." The FLSA, which the Senator says he has patterned this bill after, omits the latter phrase. Title VII omits both phrases. I find this new language confusing.

Does the "directly or indirectly" language, for example, imply that a general contractor would step into the shoes of its subcontractor when the subcontractor fails to grant leave to its employees?

Mr. DODD. No. The directly or indirectly language is not designed to address situations involving a general contractor and a subcontractor. This language should be interpreted in accordance with FLSA precedents. It is designed to cover situations of common ownership and control. For example, if a large conglomerate owned a subsidiary, and the holding company exercised ownership and control over the subsidiary, then the holding company could potentially be liable for influencing the subsidiary's decisions to delay leave.

Mr. DURENBERGER. Also, does the successor language mean that an employee can sue the employer who discriminated against the employee plus all succeeding owners of the business. For example, Joe Smith buys Lunds Grocery Store. Two weeks afterwards, an employee who had been denied leave under the previous owner files suit against Joe Smith as the successor of the employer who actually violated the act. Under this act, is Joe Smith intended to be liable for the previous owner's actions, even when there was no prior knowledge of any violation or action by the aggrieved employee? At a minimum, the language is confusing, and at worst, it suggests open-ended liability to almost all parties that in any way interact with an employer. What does the Senator really intend?

Mr. DODD. The bill is not intended to provide open ended liability. I would not expect that this successorship language should be interpreted in accordance with similar language in labor law statutes. Successors or buyers that take over the business without notice should not be liable. However we do not want to create a situation where employers are using transfer of ownership as a subterfuge to undermine the protections of the act.

Mr. DURENBERGER. There has been some confusion with the various changes in the drafts of the bill. I simply want to make sure that I am clear that in the Bond-Dodd substitute no "pain and suffering" or "punitive" damages are available.

Mr. DODD. It is the Senator from Connecticut's view that no pain and suffering or punitive damages would be allowed under S. 5.

GOOD FAITH

Mr. DURENBERGER. The Bond-Dodd substitute has included a "good faith" clause, suggesting a two pronged subjective and objective standard. What exactly does the Senator mean by this "good faith" defense? If an employer believes there was a violation but a reasonable person would not so believe, then under S. 5 as written, liquidated damages would be appropriate. Perhaps this simply should use an objective standard?

Mr. DODD. This good faith clause is identical to a provision in FLSA, and we intend it to be interpreted in the same manner. This provision says that if the employer's violation of the Act occurred in good faith and the employer had reasonable grounds for believing that it was not violating the Act, the court may reduce the damages to the amount of actual losses plus interest, rather than double that amount.

SICK OR ANNUAL LEAVE

Mr. DURENBERGER. By including "sick leave and annual leave" in the list of employee benefits, I assume that the Senator means that the court may grant the plaintiff who has been fired sick leave or annual leave that they would have accrued if they had been treated in a nondiscriminatory manner. For instance, if fired after requesting leave, the person would have accrued leave after dismissal and that accrual may be recovered.

The bill also allows the employer to require an individual to use his or her other paid leave prior to receiving leave under this bill. It is my reading of the bill that sick and annual leave that the employer could have required the employee to use prior to taking leave under the Act and which the employee actually used is not recoverable as damages by an employee who has been denied leave and stayed on the job. Is this a correct interpretation?

Mr. DODD. Yes, that is correct.

Mr. DURENBERGER. Also, I need to be assured that the court will not award damages in the amount equal to the time that the employee requested for leave to an employee who was denied leave and stayed on the job. That would constitute double recovery, because the employee actually was paid for the time he/she worked.

Mr. DODD. The employee who was denied leave and stayed on the job would not be paid twice for time actually worked. However, that employee could seek damages in the amount of any actual monetary losses sustained

by the employee as a direct result of the violation.

EXPERT WITNESSES

Mr. DURENBERGER. The Bond-Dodd substitute allows for attorneys' fees and other costs, specifically citing expert witness fees. Both FLSA, and title VII only provides attorneys' fees. FLSA, provides attorneys' fees and "other costs." As you know, lawyers have become experts themselves at abusing the use of "expert witnesses." For example, with the backing of "expert testimony" from a doctor and members of the police department, a woman claiming psychic powers was awarded $1 million after she persuaded a Philadelphia jury that she lost her psychic powers following a CAT scan. Is it the Senator's intent that employers under this Act be required to pay for such experts?

Mr. DODD. It is our intent that employers be required to pay reasonable expert fees.

SECTION 104—EMPLOYMENT AND BENEFITS PROTECTION

Mr. DURENBERGER. The bill requires an employee to be restored to "the position of employment held by the employee when the leave commenced," or "to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment." In the real world many employers will respond to a worker on leave by reassigning work that individuals on leave had to other employees. In fact, this is the most common current practice among employers.

My concern is that as the bill is written, it is unclear whether "other terms and conditions" would include specific work assignments. The simplest case I can foresee is that a lawyer takes leave and a large case has to be reassigned. By the time the employee is ready to return to work, the case is almost ready to go to court and it might be disruptive to give the case back to the original lawyer. Yet under the bill it is unclear whether or not the employer would be forced to return this case to the original lawyer. What specifically do you mean by "other terms and conditions?" Does the Senator intend that specific work assignments be included within the definition of "other terms and conditions."

Mr. DODD. I agree with my distinguished colleague from Minnesota. We certainly want to allow flexibility in these situations, and allow the employer to continue to retain control over work assignments.

EMPLOYMENT BENEFITS

Mr. DURENBERGER. The Senator defines "employment benefits" as "all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or through an 'employee welfare benefit plan'."

The bill allows employees to sue for "damages in the amount of * * * employment benefits denied or lost to such employee by reason of the violation."

As I read this language, it would be conceivable that an employee could sue for benefits that the employer offered, even if the employee never took advantage of them. For example, an employer could offer a variety of different benefits under a cafeteria plan, but the employee is only entitled to a total of three. A loose reading of the language in the bill would entitle the individual to receive damages in the amount of all benefits denied.

The language is somewhat confusing. Does the Senator intend to allow an individual to sue for damages that he or she was not actually receiving at the time of the violation?

Mr. DODD. No, for example in the case of a cafeteria plan, the bill is only designed to provide damages for benefits that the individual had selected at the time of the violation and that were actually lost due to the violation.

Mr. DURENBERGER. The Senator states that the taking of leave under section 102 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. How does this work for bonuses. For instance, what happens if an employer has a bonus system that gives bonuses to any employee who produces 100 widgets. An employee, who took leave under this Act produced 93 widgets, and files a suit claiming that had it not been for the time they took under the act, they would have been able to meet the bonus requirements. Is this bill intended to allow this employee to sue for lost benefits in this situation?

Also, bonuses are included as recoverable under the damages section of this bill. What do you intend if, for example, an employee receives a bonus one year, then is discharged for a discriminatory purpose under S. 5? Would a plaintiff be entitled to a bonus for the duration of the discharge, even if fellow employees received no bonus due to an economic downturn? Even if there is no way to know whether plaintiff would have earned his/her bonus?

Mr. DODD. I would like to respond to each of the situations that my distinguished colleague from Minnesota has raised. In the case where bonuses are awarded on the basis of the number of widgets produced, I would not intend the employee to receive the bonus.

Regarding the second situation, the awarding of a bonus would depend on how speculative that award would be. If other employees would not have been awarded the bonus due to an economic downturn, and therefore it appeared that the employee in question would not have earned his or her bonus, then damages in the amount of the bonus would not be appropriate.

DIRECTLY ATTRIBUTABLE: DAMAGES

Mr. DURENBERGER. The phrase "lost to such employee by reason of the violation" under the damages section seems to be very broad. One could interpret the language to include all consequential damages flowing from the breach, no matter how attenuated or unforeseeable, could be awarded to plaintiff under that standard. For instance, an employee whose health insurance lapsed after wrongful discharge might encounter a large medical bill. If the employee paid the medical bill with his/her house mortgage money, and then the bank foreclosed on the house, should the employer have to pay for the cost of a new house for the employee or rental payments for the next 20 years? I would submit that employer is only responsible for the medical bill. Would this be a correct interpretation of this situation?

Mr. DODD. Yes, this would be correct. The damages arising from the loss of the house would not be wages, salary, or other compensation denied or lost by reason of the violation.

MIXED MOTIVE CASES

Mr. DURENBERGER. I suspect that there will be mixed motive cases under this act where an employer has a legitimate as well as a discriminatory reason for discharging or demoting the individual requesting leave. How do you intend that mixed motive cases be treated?

Mr. DODD. Let us take the example of an employee fired allegedly because of poor performance and because the employer is unwilling to grant requested family leave. The employer would not be liable for wages and compensation of the employee if the poor performance was such that the employee would have been terminated absent any considerations of family leave. But the employer could be liable for the denial of the request for leave, and injunctive relief.

DEFINITION OF "SERIOUS HEALTH CONDITION" AND ABILITY TO PERFORM FUNCTIONS OF JOB

Mr. DURENBERGER. As I read the definition of "serious health condition in the Bond substitute, it is very broad. Included within that definition an illness, injury, impairment, or physical or mental condition that involves not only in-patient care, but also "continuing treatment by a health care provider." Under this definition, an individual with a minor allergy condition, on-going arthritis, or a broken bone, could lay claim to a "serious health condition."

This may be intentially broad. However, the problem, as I see it arises when this definition is applied in conjunction with the requirements for when an individual can take leave, specifically the language that allows an individual who "because of a serious health condition * * * is unable to per-

form the functions of the position." Combining these two ideas—serious health condition and unable to perform the functions of the job—an individual could take leave if he or she had a broken foot and was unable to walk copies of reports to the adjoining office down the street, which is one of a myriad of responsibilities of that employee. Because a serious health condition has made that individual unable to perform a function of his job that employee is entitled to leave. Even if a person is able to do 95 percent of the job, the employee does not have the right to reassign that specific task to another employer for a period of time, and the employee is entitled to leave. Is this the intent of the Senator from Connecticut?

Mr. DODD. The bill is not intended to allow an employee to abuse leave in this way. It is expected that if an employee is able to perform the major functions of the job then leave would not be appropriate.

Mr. DURENBERGER. I thank my colleague.

The PRESIDING OFFICER. Without objection, the committee substitute, as amended, is agreed to.

Mr. GARN. Mr. President, I have no objection to a voice vote, but in lieu of having a rollcall vote, I would like to make it known that I would vote against it if we did have one.

The PRESIDING OFFICER. The RECORD shall so state.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So, the bill (S. 5), as amended, was passed, as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1991".

(b) TABLE OF CONTENTS.—*ERR08*

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

Sec. 101. Definitions.
Sec. 102. Leave requirement.
Sec. 103. Certification.
Sec. 104. Employment and benefits protection.
Sec. 105. Prohibited acts.
Sec. 106. Investigative authority.
Sec. 107. Enforcement.
Sec. 108. Special rules concerning employees of local educational agencies.
Sec. 109. Notice.
Sec. 110. Regulations.

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

Sec. 201. Leave requirement.

TITLE III—COMMISSION ON LEAVE

Sec. 301. Establishment.
Sec. 302. Duties.
Sec. 303. Membership.
Sec. 304. Compensation.
Sec. 305. Powers.
Sec. 306. Termination.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Effect on other laws.
Sec. 402. Effect on existing employment benefits.
Sec. 403. Encouragement of more generous leave policies.
Sec. 404. Coverage of the Senate.
Sec. 405. Regulations.
Sec. 406. Effective dates.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing and the care of family members who have serious health conditions;

(3) the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for employees who have serious health conditions that prevent them from working for temporary periods;

(5) due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(b) PURPOSES.—It is the purpose of this Act—

(1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that accommodates the legitimate interests of employers;

(4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

SEC. 101. DEFINITIONS.

As used in this title:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) ELIGIBLE EMPLOYEE.—

(A) IN GENERAL.—The term "eligible employee" means any "employee", as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who has been employed—

(i) for at least 12 months by the employer with respect to whom leave is sought under section 102; and

(ii) for at least 1,250 hours of service with such employer during the previous 12-month period.

(B) EXCLUSIONS.—The term "eligible employee" does not include—

(i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II of this Act); or

(ii) any employee of an employer who is employed at a worksite at which such employer employs less than 50 employees if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

(C) DETERMINATION.—For purposes of determining whether an employee meets the hours of service requirement specified in subparagraph (A)(ii), the legal standards established under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply.

(3) EMPLOY; STATE.—The terms "employ" and "State" have the same meanings given such terms in subsections (g) and (c), respectively, of section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (g) and (c)).

(4) EMPLOYEE.—The term "employee" means any individual employed by an employer.

(5) EMPLOYER.—

(A) IN GENERAL.—The term "employer"—

(i) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(ii) includes—

(I) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(II) any successor in interest of an employer; and

(iii) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(B) PUBLIC AGENCY.—For purposes of subparagraph (A)(iii), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(6) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(7) HEALTH CARE PROVIDER.—The term "health care provider" means—

(A) a doctor of medicine or osteopathy that is legally authorized to practice medicine or

surgery by the State in which the doctor performs such function or action; or

(B) any other person determined by the Secretary to be capable of providing health care services.

(8) PARENT.—The term "parent" means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

(9) PERSON.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(10) REDUCED LEAVE SCHEDULE.—The term "reduced leave schedule" means leave that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(11) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(12) SERIOUS HEALTH CONDITION.—The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves—

(A) inpatient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment by a health care provider.

(13) SON OR DAUGHTER.—The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

SEC. 102. LEAVE REQUIREMENT.

(a) IN GENERAL.—

(1) ENTITLEMENT TO LEAVE.—Subject to section 103, an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period—

(A) because of the birth of a son or daughter of the employee;

(B) because of the placement of a son or daughter with the employee for adoption or foster care;

(C) in order to care for a son, daughter, spouse, or parent of the employee who has a serious health condition; or

(D) because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

(2) EXPIRATION OF ENTITLEMENT.—The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

(3) INTERMITTENT LEAVE.—

(A) IN GENERAL.—Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employer of the employee agree otherwise. Subject to subparagraph (B), subsection (e), and section 103(b)(5), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary.

(B) ALTERNATIVE POSITION.—If an employee seeks intermittent leave under subparagraph (C) or (D) of paragraph (1) that is foreseeable based on planned medical treatment, the employer may require such employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that—

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(b) REDUCED LEAVE.—On agreement between the employer and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which such employee is entitled under subsection (a).

(c) UNPAID LEAVE PERMITTED.—Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave.

(d) RELATIONSHIP TO PAID LEAVE.—

(1) UNPAID LEAVE.—If an employer provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.

(2) SUBSTITUTION OF PAID LEAVE.—

(A) IN GENERAL.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the employee for leave provided under subparagraph (A), (B), or (C) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection.

(B) SERIOUS HEALTH CONDITION.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under subparagraph (C) or (D) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection, except that nothing in this Act shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(e) FORESEEABLE LEAVE.—

(1) REQUIREMENT OF NOTICE.—In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the eligible employee shall provide the employer with not less than 30 days notice of the intention to take leave under such subparagraph, subject to the actual date of the birth or adoption for which the leave is to be taken.

(2) DUTIES OF EMPLOYEE.—In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment, the employee—

(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee; and

(B) shall provide the employer with not less than 30 days notice of the intention to take leave under such subparagraph, subject to the actual date of the treatment for which the leave is to be taken.

(f) SPOUSES EMPLOYED BY THE SAME EMPLOYER.—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—

(1) under subparagraph (A) or (B) of subsection (a)(1); or

(2) to care for a sick parent under subparagraph (C) of such subsection.

SEC. 103. CERTIFICATION.

(a) IN GENERAL.—An employer may require that a claim for leave under subparagraph (C) or (D) of section 102(a)(1) be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employer.

(b) SUFFICIENT CERTIFICATION.—Certification provided under subsection (a) shall be sufficient if it states—

(1) the date on which the serious health condition commenced;

(2) the probable duration of the condition;

(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;

(4)(A) for purposes of leave under section 102(a)(1)(C), a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and

(B) for purposes of leave under section 102(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee; and

(5) in the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

(c) SECOND OPINION.—

(1) IN GENERAL.—In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 102(a)(1), the employer may require, at the expense of the employer, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b) for such leave.

(2) LIMITATION.—A health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employer.

(d) RESOLUTION OF CONFLICTING OPINIONS.—

(1) IN GENERAL.—In any case in which the second opinion described in subsection (c) differs from the opinion in the original certification provided under subsection (a), the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b).

(2) FINALITY.—The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employer and the employee.

(e) SUBSEQUENT RECERTIFICATION.—The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

SEC. 104. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—

(1) IN GENERAL.—Any eligible employee who takes leave under section 102 for the intended purpose of the leave shall be entitled, on return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) LOSS OF BENEFITS.—The taking of leave under section 102 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(3) LIMITATIONS.—Nothing in this section shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave; or

(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) CERTIFICATION.—As a condition of restoration under paragraph (1), the employer may have a uniformly applied practice or policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work, except that nothing in this paragraph shall supersede a valid State or local law or a collective bargaining agreement that governs the return to work of employees taking leave under section 102(a)(1)(D).

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit an employer from requiring an employee on leave under section 102 to periodically report to the employer on the status and intention of the employee to return to work.

(b) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—

(1) DENIAL OF RESTORATION.—An employer may deny restoration under subsection (a) to any eligible employee described in paragraph (2) if—

(A) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

(B) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and

(C) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(2) AFFECTED EMPLOYEES.—An eligible employee described in paragraph (1) is a salaried eligible employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(c) MAINTENANCE OF HEALTH BENEFITS.—

(1) COVERAGE.—Except as provided in paragraph (2), during any period that an eligible employee takes leave under section 102, the employer shall maintain coverage under any "group health plan" (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).

(2) FAILURE TO RETURN FROM LEAVE.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of unpaid leave under section 102 if—

(A) the employee fails to return from leave under section 102 after the period of leave to which the employee is entitled has expired; and

(B) the employee fails to return to work for a reason other than—

(i) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under subparagraph (C) or (D) of section 102(a)(1); or

(ii) other circumstances beyond the control of the employee.

(3) CERTIFICATION.—

(A) ISSUANCE.—An employer may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition described in paragraph (2)(B)(i) be supported by—

(i) a certification issued by the health care provider of the eligible employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(1)(D); or

(ii) a certification issued by the health care provider of the son, daughter, spouse, or parent of the employee in the case of an employee unable to return to work because of a condition specified in section 102(a)(1)(C).

(B) COPY.—The employee shall provide, in a timely manner, a copy of such certification to the employer.

(C) SUFFICIENCY OF CERTIFICATION.—

(i) LEAVE DUE TO SERIOUS HEALTH CONDITION OF EMPLOYEE.—The certification described in subparagraph (A)(i) shall be sufficient if the certification states that a serious health condition prevented the employee from being able to perform the functions of the position of the employee on the date that the leave of the employee expired.

(ii) LEAVE DUE TO SERIOUS HEALTH CONDITION OF FAMILY MEMBER.—The certification described in subparagraph (A)(ii) shall be sufficient if the certification states that the employee is needed to care for the son, daughter, spouse, or parent who has a serious health condition on the date that the leave of the employee expired.

SEC. 105. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

(3) has testified, or is about to testify in any inquiry or proceeding relating to any right provided under this title.

SEC. 106. INVESTIGATIVE AUTHORITY.

(a) IN GENERAL.—To ensure compliance with the provisions of this title, or any regulation or order issued under this title, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)).

(b) OBLIGATION TO KEEP AND PRESERVE RECORDS.—Any employer shall keep and preserve records in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations issued by the Secretary.

(c) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to section 107(b).

(d) SUBPOENA POWERS.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

SEC. 107. ENFORCEMENT.

(a) CIVIL ACTION BY EMPLOYEES.—

(1) LIABILITY.—Any employer who violates section 105 shall be liable to any eligible employee affected—

(A) for damages equal to—

(i) the amount of—

(I) any wages, salary, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or

(II) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 12 weeks of wages or salary for the employee;

(ii) the interest on the amount described in clause (i) calculated at the prevailing rate; and

(iii) an additional amount as liquidated damages equal to the sum of the amount described in clause (i) and the interest described in clause (ii), except that if an employer who has violated section 105 proves to the satisfaction of the court that the act or omission which violated section 105 was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of section 105, such court may, in the discretion of the court, reduce the amount of the liability to the amount and interest determined under clauses (i) and (ii), respectively; and

(B) for such equitable relief as may be appropriate, including, without limitation, employment, reinstatement, and promotion.

(2) STANDING.—An action to recover the damages or equitable relief prescribed in paragraph (1) may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any one or more employees for and in behalf of—

(A) the employees; or

(B) the employees and other employees similarly situated.

(3) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) LIMITATIONS.—The right provided by paragraph (1) to bring an action by or on behalf of any employee shall terminate, unless such action is dismissed without prejudice on motion of the Secretary, on—

(A) the filing of a complaint by the Secretary of Labor in an action under subsection (d) in which—

(i) restraint is sought of any further delay in the payment of the damages described in paragraph (1)(A) to such employee by an employer liable under paragraph (1) for the damages; or

(ii) equitable relief is sought as a result of alleged violations of section 105; or

(B) the filing of a complaint by the Secretary in an action under subsection (b) in which a recovery is sought of the damages

described in paragraph (1)(A) owing to an eligible employee by an employer liable under paragraph (1).

(b) ACTION BY THE SECRETARY.—

(1) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 105 in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(2) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover on behalf of an eligible employee the damages described in subsection (a)(1)(A).

(3) SUMS RECOVERED.—Any sums recovered by the Secretary on behalf of an employee pursuant to paragraph (2) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee affected. Any such sums not paid to an employee because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an action may be brought under subsection (a) or (b) not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(2) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of section 105, such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(3) COMMENCEMENT.—In determining when an action is commenced by the Secretary under subsection (b) for the purposes of this subsection, it shall be considered to be commenced on the date when the complaint is filed.

(d) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, over an action brought by the Secretary to restrain violations of section 105, including actions to restrain the withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to eligible employees.

SEC. 108. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.

(a) APPLICATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the rights (including the rights under section 104, which shall extend throughout the period of leave of any employee under this section), remedies, and procedures under this Act shall apply to—

(A) any "local educational agency" (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and an eligible employee of the agency; and

(B) any private elementary and secondary school and an eligible employee of the school.

(2) DEFINITIONS.—For purposes of the application described in paragraph (1):

(A) ELIGIBLE EMPLOYEE.—The term "eligible employee" means an eligible employee of an agency or school described in paragraph (1); and

(B) EMPLOYER.—The term "employer" means an agency or school described in paragraph (1).

(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency and a private elementary and secondary school shall not be in violation of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency or school exercising the rights of such employee under this Act.

(c) INTERMITTENT LEAVE FOR INSTRUCTIONAL EMPLOYEES.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which an eligible employee employed principally in an instructional capacity by any such educational agency or school seeks to take leave under subparagraph (C) or (D) of section 102(a)(1) that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency or school may require that such employee elect either—

(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or

(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that—

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(2) APPLICATION.—The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an eligible employee who complies with section 102(e)(2).

(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity by any such educational agency or school:

(1) LEAVE MORE THAN 5 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under section 102 more than 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of at least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) LEAVE LESS THAN 5 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under subparagraph (A), (B), or (C) of section 102(a)(1) during the period that commences 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) LEAVE LESS THAN 3 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under paragraph (A), (B), or (C) of section 102(a)(1) during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the agency or school may require the employee to continue to take leave until the end of such term.

(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 104(a)(1)(B) (relating to the restoration of an eligible employee to an equivalent position), in the case of a local educational agency or a private elementary and secondary school, such determination shall be made on the basis of established school board policies and practices, private school policies and practices, and collective bargaining agreements.

(f) REDUCTION OF THE AMOUNT OF LIABILITY.—If a local educational agency or a private elementary and secondary school that has violated title I proves to the satisfaction of the administrative law judge or the court that the agency, school, or department had reasonable grounds for believing that the underlying act or omission was not a violation of such title, such judge or court may, in the discretion of the judge or court, reduce the amount of the liability provided for under section 107(a)(1)(A) to the amount and interest determined under clauses (i) and (ii), respectively, of such section.

SEC. 109. NOTICE.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary, setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertaining to the filing of a charge.

(b) PENALTY.—Any employer that willfully violates this section shall be assessed a civil money penalty not to exceed $100 for each separate offense.

SEC. 110. REGULATIONS.

Not later than 60 days after the date of enactment of this title, the Secretary shall prescribe such regulations as are necessary to carry out this title.

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

SEC. 201. LEAVE REQUIREMENT.

(a) CIVIL SERVICE EMPLOYEES.—

(1) IN GENERAL.—Chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER V—FAMILY LEAVE

"§ 6381. Definitions

"For purposes of this subchapter:

"(1) The term 'employee' means—

"(A) an 'employee', as defined by section 6301(2) of this title (excluding an individual employed by the Government of the District of Columbia); and

"(B) an individual described in clause (v) or (ix) of such section;

who has been employed for at least 12 months by an employing agency and completed at least 1,250 hours of service with an employing agency during the previous 12-month period.

"(2) The term 'health care provider' means—

"(A) a doctor of medicine or osteopathy that is legally authorized to practice medicine or surgery by the State in which the doctor performs such function or action; or

"(B) any other person determined by the Director of the Office of Personnel Management to be capable of providing health care services.

"(3) The term 'parent' means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

"(4) The term 'reduced leave schedule' means leave that reduces the usual number of hours per workweek, or hours per workday, of an employee.

"(5) The term 'serious health condition' means an illness, injury, impairment, or physical or mental condition that involves—

"(A) inpatient care in a hospital, hospice, or residential medical care facility; or

"(B) continuing treatment by a health care provider.

"(6) The term 'son or daughter' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

"(A) under 18 years of age; or

"(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

"§ 6382. Leave requirement

"(a)(1) An employee shall be entitled, subject to section 6383, to a total of 12 workweeks of leave during any 12-month period—

"(A) because of the birth of a son or daughter of the employee;

"(B) because of the placement of a son or daughter with the employee for adoption or foster care;

"(C) in order to care for the son, daughter, spouse, or parent of the employee who has a serious health condition; or

"(D) because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

"(2) The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

"(3)(A) Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employing agency of the employee agree otherwise. Subject to subparagraph (B), subsection (e), and section 6383(b)(5), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary.

"(B) If an employee seeks intermittent leave under subparagraph (C) or (D) of paragraph (1) that is foreseeable based on planned medical treatment, the employing agency may require such employee to transfer temporarily to an available alternative position offered by the employing agency for which the employee is qualified and that—

"(i) has equivalent pay and benefits; and

"(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

"(b) On agreement between the employing agency and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a).

"(c) Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave.

"(d)(1) An employee may elect, or an employing agency may require the employee, to substitute for leave under subparagraph (A), (B), or (C) of subsection (a)(1) any of the accrued annual leave under subchapter I of the employee for any part of the 12-week period of such leave under such subparagraph.

"(2) An employee may elect, or an employing agency may require the employee, to substitute for leave under paragraph (1)(D) of subsection (a) any of the accrued annual leave or sick leave under subchapter I of the employee for any part of the 12-week period of such leave under such paragraph, except that nothing in this subchapter shall require an employing agency to provide paid sick leave in any situation in which such employing agency would not normally provide any such paid leave.

"(e)(1) In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the employee shall provide the employing agency with not less than 30 days notice of the intention to take leave under such subparagraph, subject to the actual date of the birth or adoption for which the leave is to be taken.

"(2) In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment, the employee—

"(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse or parent of the employee; and

"(B) shall provide the employing agency with not less than 30 days notice of the intention to take leave under such subparagraph, subject to the actual date of the treatment for which the leave is to be taken.

"§ 6383. Certification

"(a) An employing agency may require that a claim for leave under subparagraph (C) or (D) of section 6382(a)(1), be supported by certification issued by the health care provider of the employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employing agency.

"(b) A certification provided under subsection (a) shall be sufficient if it states—

"(1) the date on which the serious health condition commenced;

"(2) the probable duration of the condition;

"(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;

"(4)(A) for purposes of leave under section 6382(a)(1)(C), a statement that the employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and

"(B) for purposes of leave under section 6382(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee; and

"(5) in the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

"(c)(1) In any case in which the employing agency has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 6382(a)(1), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a second health care provider designated or approved by the employing agency concerning any information certified under subsection (b) for such leave.

"(2) Any health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employing agency.

"(d)(1) In any case in which the second opinion described in subsection (c) differs from the original certification provided under subsection (a), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employing agency and the employee concerning the information certified under subsection (b).

"(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employing agency and the employee.

"(e) The employing agency may require that the employee obtain subsequent recertifications on a reasonable basis.

"§ 6384. Employment and benefits protection

"(a) Any employee who takes leave under section 6382 for the intended purpose of the leave shall be entitled, upon return from such leave—

"(1) to be restored by the employing agency to the position of employment held by the employee when the leave commenced; or

"(2) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

"(b) The taking of leave under section 6382 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

"(c) Except as otherwise provided by law, nothing in this section shall be construed to entitle any restored employee to—

"(1) the accrual of any seniority or employment benefits during any period of leave; or

"(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

"(d) As a condition to restoration under subsection (a), the employing agency may have a uniformly applied practice or policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work.

"(e) Nothing in this section shall be construed to prohibit an employing agency from requiring an employee on leave under section 6382 to periodically report to the employing agency on the status and intention of the employee to return to work.

"§ 6385. Prohibition of coercion

"(a) An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of the rights of the employee under this subchapter.

"(b) An employee allegation of a violation under subsection (a) is within the jurisdiction of the Merit Systems Protection Board under section 1204(a)(1) and may be investigated by the Special Counsel as a prohibited personnel practice under section 1214.

"(c) For the purpose of this section, 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation).

"§ 6386. Health insurance

"(a)(1) Except as provided in paragraph (2), an employee enrolled in a health benefits plan under chapter 89 who is placed in a leave status under section 6382 may elect to continue the health benefits enrollment of the employee while in leave status and arrange to pay into the Employees Health Benefits Fund (described in section 8909) through the employing agency of the employee, the appropriate employee contributions.

"(2) The employing agency may recover the contributions that the agency paid for

maintaining such enrollment during any period of unpaid leave under section 6382 if—

"(A) the employee fails to return from leave under section 6382 after the period of leave to which the employee is entitled has expired; and

"(B) the employee fails to return to work for a reason other than—

"(i) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under subparagraph (C) or (D) of section 102(a)(1); or

"(ii) other circumstances beyond the control of the employee.

"(3)(A) An employing agency may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition described in paragraph (2)(B)(i) be supported by—

"(i) a certification issued by the health care provider of the employee, in the case of an employee unable to return to work because of a condition specified in section 6382(a)(1)(D); or

"(ii) a certification issued by the health care provider of the son, daughter, spouse, or parent of the employee in the case of an employee unable to return to work because of a condition specified in section 6382(a)(1)(C).

"(B) The employee shall provide, in a timely manner, a copy of such certification to the employing agency.

"(C)(i) The certification described in subparagraph (A)(i) shall be sufficient if the certification states that a serious health condition prevented the employee from being able to perform the functions of the position of the employee on the date that the leave of the employee expired.

"(ii) The certification described in subparagraph (A)(ii) shall be sufficient if the certification states that the employee is needed to care for the son, daughter, spouse, or parent who has a serious health condition on the date that the leave of the employee expired.

"§ 6387. Regulations

"The Director of the Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall be consistent with the regulations prescribed by the Secretary of Labor under title I of the Family and Medical Leave Act of 1991.".

(2) TABLE OF CONTENTS.—The table of contents for chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER V—FAMILY LEAVE AND TEMPORARY MEDICAL LEAVE

"6381. Definitions.
"6382. Leave requirement.
"6383. Certification.
"6384. Employment and benefits protection.
"6385. Prohibition of coercion.
"6386. Health insurance.
"6387. Regulations.".

(b) EMPLOYEES PAID FROM NONAPPROPRIATED FUNDS.—Section 2105(c)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (C); and

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

"(E) subchapter V of chapter 63, which shall be applied so as to construe references to benefit programs to refer to applicable programs for employees paid from nonappropriated funds; or".

TITLE III—COMMISSION ON LEAVE

SEC. 301. ESTABLISHMENT.

There is established a commission to be known as the Commission on Leave (hereinafter referred to in this title as the "Commission").

SEC. 302. DUTIES.

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed policies relating to leave;

(B) the potential costs, benefits, and impact on productivity of such policies on employers; and

(C) alternative and equivalent State enforcement of this Act with respect to employees described in section 108(a); and

(2) not later than 2 years after the date on which the Commission first meets, prepare and submit, to the appropriate Committees of Congress, a report concerning the subjects listed in paragraph (1).

SEC. 303. MEMBERSHIP.

(a) COMPOSITION.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 voting members and 2 ex officio members to be appointed not later than 60 days after the date of the enactment of this Act as follows:

(A) SENATORS.—One Senator shall be appointed by the Majority Leader of the Senate, and one Senator shall be appointed by the Minority Leader of the Senate.

(B) MEMBERS OF HOUSE OF REPRESENTATIVES.—One Member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives.

(C) ADDITIONAL MEMBERS.—

(i) APPOINTMENT.—Two Members each shall be appointed by—

(I) the Speaker of the House of Representatives;

(II) the Majority Leader of the Senate;

(III) the Minority Leader of the House of Representatives; and

(IV) the Minority Leader of the Senate.

(ii) EXPERTISE.—Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor-management issues and shall include representatives of employers.

(2) EX OFFICIO MEMBERS.—The Secretary of Health and Human Services and the Secretary of Labor shall serve on the Commission as nonvoting ex officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among the members of the Commission.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

SEC. 304. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

SEC. 305. POWERS.

(a) MEETINGS.—The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director from the personnel of any Federal agency to assist the Commission in carrying out the duties of the Commission. Any appointment shall not interrupt or otherwise affect the civil service status or privileges of the employee appointed.

(e) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(f) PERSONNEL FROM OTHER AGENCIES.—On the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to assist the Commission in carrying out the duties of the Commission. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(g) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

SEC. 306. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of the report of the Commission to Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTI-DISCRIMINATION LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.

(b) STATE AND LOCAL LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to supersede any provision of any State and local law that provides greater employee leave rights than the rights established under this Act or any amendment made by this Act.

SEC. 402. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act or any amendment made by this Act shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family and medical leave rights to employees than the rights provided under this Act or any amendment made by this Act.

(b) LESS PROTECTIVE.—The rights provided to employees under this Act or any amend-

ment made by this Act shall not be diminished by any collective bargaining agreement or any employment benefit program or plan.

SEC. 403. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this Act or any amendment made by this Act.

SEC. 404. COVERAGE OF THE SENATE.

(a) COVERAGE.—

(1) APPLICATION.—The rights and protections established under sections 101 through 105 shall apply with respect to a Senate employee and an employing authority of the Senate.

(2) DEFINITIONS.—For purposes of the application described in paragraph (1)—

(A) the term "eligible employee" means a Senate employee; and

(B) the term "employer" means an employing authority of the Senate.

(b) INVESTIGATION AND ADJUDICATION OF CLAIMS.—All claims raised by any individual with respect to Senate employment, pursuant to sections 101 through 105, shall be investigated and adjudicated by the Select Committee on Ethics, pursuant to S. Res. 338, 88th Congress, as amended, or such other entity as the Senate may designate.

(c) RIGHTS OF EMPLOYEES.—The Committee on Rules and Administration shall ensure that Senate employees are informed of their rights under sections 101 through 105.

(d) APPLICABLE REMEDIES.—When assigning remedies to individuals found to have a valid claim under sections 101 through 105, the Select Committee on Ethics, or such other entity as the Senate may designate, should to the extent practicable apply the same remedies applicable to all other employees covered by such sections. Such remedies shall apply exclusively.

(e) EXERCISE OF RULEMAKING POWER.—Notwithstanding any other provision of law, enforcement and adjudication of the rights and protections referred to in subsection (a) shall be within the exclusive jurisdiction of the United States Senate. The provisions of subsections (b), (c), and (d) are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

SEC. 405. REGULATIONS.

The Secretary of Labor shall prescribe such regulations as are necessary to carry out sections 401 through 403 not later than 60 days after the date of the enactment of this Act.

SEC. 406. EFFECTIVE DATES.

(a) TITLE III.—Title III shall take effect on the date of the enactment of this Act.

(b) OTHER TITLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), titles I and II and this title shall take effect 6 months after the date of the enactment of this Act.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by paragraph (1), title I shall apply on the earlier of—

(A) the date of the termination of such agreement; or

(B) the date that occurs 12 months after the date of the enactment of this Act.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, the Senate has just acted in decisive fashion on very important legislation dealing with the issue of family and medical leave. Because of the intervening votes, I did not have the opportunity earlier to express my congratulations and gratitude to the distinguished Senator from Connecticut [Mr. DODD] who has been the leader in this effort, Senator BOND of Missouri, and Senator FORD of Kentucky.

I believe this to be very important and meaningful legislation. It passed with a very decisive vote, 65 votes in the affirmative. There were three absences, and all three of those Senators have publicly expressed their support for the legislation. So effectively 68 Senators are supporting this very important bill.

I think all of the American people and particularly American women, whose economic independence will be enhanced by this important legislation, owe a great deal of gratitude to Senators DODD, BOND, and FORD. I commend them for that.

Obviously, passing the Senate is not the same as becoming law. Many long and difficult steps lie ahead. But the first substantial hurdle has been overcome. Very important legislation is now on its way toward what we hope will be enactment and most importantly, the achievement of economic independence for American women.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the majority leader and the minority leader as well. Yesterday was a rather long day in negotiations, I think some 7 hours or so. Actually, it may have been longer. The majority leader may correct me. But it was a long day of trying to work out the unanimous consent which led to the votes that occurred this afternoon, as well as the vote, I gather, next Tuesday on the Thomas nomination.

Mr. President, I have said it already today, but it bears repeating. We would not have achieved the results we did today without the help of an awful lot of people on both sides of the aisle. This was not a partisan battle at all. There were people who differed over the legislation, but the differences were encountered on both sides. There were opponents of the legislation on this side, as obviously there were on the other side of the aisle. But without the efforts of Senator BOND of Missouri, Senator COATS of Indiana, Senator PACKWOOD, going back a long time, an original cosponsor, we would not have been able to achieve the results we did, helping put together the compromise. So I am eternally indebted to them for their tremendous effort.

The majority leader, Mr. President, has said, correctly, we were missing three of our colleagues today who were unavoidably absent from participating in the votes this afternoon: Senators HARKIN, KERREY, and PRYOR. Senators HARKIN and KERREY are cosponsors of the Bond-Coats-Ford substitute, as well as the original Dodd legislation on family medical leave, and Senator PRYOR is a supporter.

Take those 3 votes, add them to the 65 we achieved on the Bond-Coats-Ford substitute, and that is 68 votes. My hope is, Mr. President, that we will be able to encourage President Bush and the administration to step forward and say let us sit down and see if we cannot work out something that the President can support and will sign. I am very anxious for that to occur. Nothing would make me sadder than to have to get into a veto override battle on the floor of the Senate or in the House.

So the offer still stands, Mr. President, even though we achieved an override, if you will, at least by today's vote, apparently an override vote. I hope we do not get to that. I hope we can work out the differences and pass some nonpartisan legislation in the Senate, differences though there be. It was not a partisan vote in that sense.

Again my deep sense of thanks to Senator BOND of Missouri and others on that side as well as on our own side, Mr. President, who made not only that vote possible but I think the quality of the legislation. So I thank them, and I thank the majority leader for his help in this regard.

Mr. MITCHELL. Mr. President, I will be pleased to yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I join my colleague from Connecticut in expressing our sincerest thanks to the majority leader and minority leader. We had a very long negotiating session. I think we have come to an excellent outcome. We were able to handle a very important piece of legislation and now we will move on tomorrow to another very important matter. I appreciate the people who worked so long and hard to allow us to achieve that.

I add my special thanks to Senator DODD and the other original cosponsors for their strong push behind this legislation. We are deeply appreciative of their willingness to negotiate, to accommodate us. Senator FORD, Senator COATS, and I had concerns and they were able to accommodate us and make this, I think, a much more workable piece of legislation.

I express thanks to the staff of those members. I want to say a special thanks to Julie Dammann and Leanne Jerome of my staff, who worked very hard.

For those who say that this is a question of a veto override, let me empha-

size what Senator DODD has already said. I hope now that we have 68 people in favor of this legislation, either recorded in the vote today or having previously announced their support, we will be able to discuss his with the White House and with the Labor Department to see if there are accommodations that can be made. This is an ongoing process. We want to see the families of America protected when illness or the arrival of a child makes it necessary for a worker to take some time off from a job. I think the family and medical leave protections are extremely important to many families in America who are under great pressure. I am grateful that we had such a strong vote, and I thank those who came along only as a result of the adjustments. We assure them that we want to continue to work with them.

Our objective is to see this measure passed in the House and ultimately signed into law by the President. That I think is not good Democratic or Republican politics. I think it is good policy for the United States. I hope we can see a measure signed with strong bipartisan support and a Republican President's signature on the bill.

I thank my colleagues I yield the floor.

Mr. MITCHELL. Mr. President, I thank my colleagues for their comments and also thank the Senator from Kentucky, who played such a prominent role in bringing this to a successful conclusion and who typically said little publicly but worked a lot on the measure outside the public eye.

We are all grateful to the Senator from Kentucky for his usual hard work and conciliating efforts that made this result possible.

Mr. DODD. Mr. President, if the majority leader will yield, I want to second those comments. This is the steady hand from Kentucky. There have been some very troubled waters over the last 5 years. He has guided this piece of legislation. Without that steady hand, we would not have brought the coalition together.

But I want to also, Mr. President, thank my staff, as well as Senator BOND's staff, and Senator FORD's staff. I will not enumerate all the names of people who were involved in the respective offices in pulling this together, but there was some fine staff work done by people whose names are never heard of in the public eye, who made this possible, working long hours. So I thank Senator BOND for mentioning that as well.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that immediately upon disposition of Senate Resolution 186, the Haiti resolution, offered by Senator GRAHAM of Florida and others, the Senate proceed to the immediate consideration of Calendar No. 234, Senate Joint Resolution 110, regarding Zionism; that there be 2 minutes for debate on the resolution under the control of Senator MOYNIHAN, with no amendments in order to the resolution; that when the time is used or yielded back, the Senate without intervening action or debate proceed to vote on passage of the resolution; and further, that it now be in order to ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that that vote be a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, Senators, therefore, should be aware there will now be two 10-minute votes coming up with 2 minutes for Senator MOYNIHAN between the two votes.

I thank my colleagues.

I yield the floor.

SENATE RESOLUTION 186—RELATIVE TO HAITI

The PRESIDING OFFICER. Under the previous order the clerk will report Senate Resolution 186.

The legislative clerk read as follows:

A resolution (S. Res. 186) relating to Haiti.

The Senate proceeded to the consideration of the resolution.

Mr. D'AMATO. Mr. President, I rise today to express my deep concern over the disturbing and dangerous events presently unfolding in Haiti. The constitutional democracy that the Haitian people have enjoyed over the past 7 months has been trampled by the brutal and illegal coup of President Jean-Bertrand Aristide.

Mr. President, when Father Aristide was elected, the Haitian people gained an outspoken reformist and all democratic governments supported the moderation with which he was reforming his country. Today, all that progress has been shattered. The senseless loss of life caused by the coup is deplorable. Some reports indicate well over 100 persons have been killed. Those who are responsible should be held accountable and suffer severe punishment.

While much remains unknown as to who is responsible for these alarming events, there is no doubt that if Haiti is to continue on the path of democracy, President Jean-Bertrand Aristide must be restored to his lawful role as President of Haiti.

Mr. President, it is time that the U.N. Security Council take a decisive and immediate stand condemning this ruthless coup. The United Nations' pernicious habit of turning its head when military rulers oust a democratically elected government of the people is unacceptable. With the tide of democracy sweeping across the globe, the world body can not simply stand by as the colonels govern by the barrel of the gun.

I applaud the Bush administration's decision to immediately suspend all aid and economic assistance to Haiti until the legitimate democratic government is restored, and I stand ready to assist the people of Haiti in their enduring struggle to achieve true and lasting democracy in their nation.

Mr. LEAHY. Mr. President, 4 years ago in Haiti at least 34 people were gunned down at the polls as they tried to elect a president. Last year, despite threats of another bloodbath by the same Duvalierists, the Haitian people again courageously voted and this time, in an election closely monitored by the United Nations and the OAS, overwhelmingly elected a civilian president, a priest whose life had been devoted to Haiti's poor.

For the Haitian people and the world, that day symbolized a rejection of 40 years of dictatorship and greed, and the beginning of a new era of democracy, justice and hope.

As chairman of the Foreign Operations Subcommittee which writes the foreign aid appropriations bill, I have strongly supported U.S. aid to the Aristide government. Last year we provided financial support to register voters and protect the polls, and since then we have provided large amounts of economic aid to help Haiti begin to solve its economic problems and strengthen democracy.

Mr. President, the coup d'etat that has just been perpetrated by the Haitian army is a desperate attempt to reverse the tide of history. It is an attempt that I am confident will ultimately fail. I am confident that this outrageous subversion of democracy, this blatant violation of the will of the Haitian people for the sake of personal privilege and power, will be unequivocally opposed throughout this hemisphere.

All United States aid to Haiti has been stopped. France and Canada have also suspended their aid. I will not agree to the resumption of aid to the Haitian Government until democracy is restored. The OAS is to take this matter up shortly and I urge all its member countries to act forcefully to condemn this illegal act and refuse any recognition of the coup leaders. The Haitian generals must be made to see, as the Soviet coup plotters saw just a little over a month ago, that this kind of usurpation will not be sustained.

Mr. President, for the better part of this century the United States was on

the side of dictatorship in Haiti. That changed dramatically last year, when our Government threw its full weight behind President Aristide. I am pleased that the administration has publicly denounced this coup and reaffirmed its commitment to democracy in Haiti. Ambassador Adams deserves special praise for his role in negotiating for President Aristide's release from custody and safe passage to Venezuela. I urge President Bush, in consultation with the other governments of the hemisphere, to do all that is possible to work to restore to the Haitian people the democracy they have struggled and suffered so long for and so clearly deserve.

The PRESIDING OFFICER. The question occurs on adoption of the resolution.

The yeas and nays have not been ordered.

Mr. MITCHELL. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from Nebraska [Mr. KERREY], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—97

Adams	Ford	Mitchell
Akaka	Fowler	Moynihan
Baucus	Garn	Murkowski
Bentsen	Glenn	Nickles
Biden	Gore	Nunn
Bingaman	Gorton	Packwood
Bond	Graham	Pell
Boren	Gramm	Pressler
Bradley	Grassley	Reid
Breaux	Hatch	Riegle
Brown	Hatfield	Robb
Bryan	Heflin	Rockefeller
Bumpers	Helms	Roth
Burdick	Hollings	Rudman
Burns	Inouye	Sanford
Byrd	Jeffords	Sarbanes
Chafee	Johnston	Sasser
Coats	Kassebaum	Seymour
Cochran	Kasten	Shelby
Cohen	Kennedy	Simon
Conrad	Kerry	Simpson
Craig	Kohl	Smith
Cranston	Lautenberg	Specter
D'Amato	Leahy	Stevens
Danforth	Levin	Symms
Daschle	Lieberman	Thurmond
DeConcini	Lott	Wallop
Dixon	Lugar	Warner
Dodd	Mack	Wellstone
Dole	McCain	Wirth
Domenici	McConnell	Wofford
Durenberger	Metzenbaum	
Exon	Mikulski	

NAYS—0

NOT VOTING—3

Harkin	Kerrey	Pryor

So the resolution (S. Res. 186) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 186

Whereas the people of Haiti have long suffered under the brutal and arbitrary rule of dictatorship rather then the democratic rule of law;

Whereas in 1986 Haitians from all sectors of society showed great courage in joining together to oust President-for-Life Jean Claude Duvalier;

Whereas an overwhelming majority of Haitians have declared themselves in support of democratic rule by approving a constitution in 1987 establishing a legal framework for the election of a civilian government;

Whereas the 1987 presidential election was cancelled due to widespread violence on the day of election;

Whereas the Haitian people participated in a second internationally supervised election on December 16, 1990, and elected President Jean-Bertrand Aristide by almost 70 percent of the vote in an election that was recognized by international observations as free, fair and open;

Whereas elements of the military on September 30 launched an armed attack against President Aristide and the people of Haiti;

Whereas President Aristide was forced to leave Haiti and a military junta has seized power: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should make clear that the United States supports the restoration of the democratically elected government of President Aristide;

(2) all United States assistance to the Haitian Government, economic and military, should remain suspended until democratic government is restored;

(3) the Haitian military should respect the human rights of the Haitian people;

(4) the Organization of American States (OAS) should be commended for vigorously condemning the coup and for its Santiago commitment of June 1991 creating a new automatic mechanism to respond to the interruption of legitimate elected government; and

(5) the international community, particularly the OAS, should take all appropriate action to restore democratic government in Haiti.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid upon the table.

The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, pursuant to a prior agreement, momentarily Senator MOYNIHAN will be recognized to address the Senate for 2 minutes, following which there will be a rollcall vote on his resolution regarding Zionism. That will be the last rollcall vote today.

The Senate will be in session tomorrow and Friday, and Monday and Tuesday of next week, prior to the Columbus Day recess. I have been consulting with the distinguished Republican leader and a number of Senators involved in appropriations conference reports, and I hope to have an announcement later this evening on the schedule with respect to votes for the 4 days which I have just described: that is, Thursday, Friday, Monday, and Tuesday.

We are going to try to organize it in a way that, to the extent possible, the conference reports will be adopted by voice vote, and if rollcall votes are required, to stack those on next Tuesday.

That requires the cooperation of several Senators who are involved in the handling of such legislation, and we do not have that understanding completed yet. That is why I am not able to make a statement at this time with respect to Thursday, Friday, Monday, and Tuesday. But I do hope to have that before the Senate completes its business today, and make that announcement for the information of all Senators. And those who are not present, of course, will learn of it through their staffs.

So I thank all Senators for their cooperation. The distinguished Republican leader and I will be meeting shortly in this regard, and I will have an announcement as soon as possible.

RELATIVE TO A REPEAL OF UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 3379

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Joint Resolution 110.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 110) expressing the sense of the Congress that the United States and the Soviet Union shall lead an effort to promptly repeal United Nations General Assembly Resolution 3379.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from New York is recognized for 2 minutes.

Mr. MOYNIHAN. Mr. President, this resolution obviously supports President Bush's fine, exceptionally fine address to the General Assembly on September 23. It supports and expresses, in effect, appreciation to the endorsement of the proposal by the Soviet Foreign Minister, the following day and on this Monday, by the Ukrainian President.

Mr. President, in his recent speech before the General Assembly of the United Nations, President Bush called for the repeal of the infamous resolution equating Zionism with racism. During that historic speech the President said:

U.N.G.A. Resolution 3379, the so-called "Zionism is racism" resolution, mocks this pledge, and the principles upon which the United Nations was founded, and I call now

for its repeal. Zionism is not a policy. It is the idea that led to the creation of a home for the Jewish people, to the state of Israel. And to equate Zionism with the intolerable sin of racism is to twist history and forget the terrible plight of Jews in World War II and indeed throughout history.

To equate Zionism with racism is to reject Israel itself, a member of good standing of the United Nations. This body cannot claim to seek peace and at the same time challenge Israel's right to exist. By repealing this resolution unconditionally, the United Nations will enhance its credibility and serve the cause of peace.

Shortly after the President spoke on September 23, Foreign Minister Pankin of the Soviet Union also called for the repeal of the resolution. This is especially noteworthy because the Soviet Union was the organizer and sponsor of the campaign to adopt Resolution 3379. Foreign Minister Pankin said:

The philosophy of new international solidarity, which is finding its way into practice, signifies a de-ideologization of the United Nations. In renewing our Organization we should once and for all leave behind the legacy of the ice age like the obnoxious resolution equating Zionism with racism.

Perhaps most dramatic of all, on Monday, September 30, Leonid Kravchuk, President of the Ukraine, also addressed the General Assembly. In his address, President Kravchuk implicitly noted the Soviet campaign charging that the Babi Yar massacre was a collaboration of the Gestapo and Zionists. He noted that the Ukraine had been a prime sponsor of the Zionism resolution. I believe that it is worth repeating his remarks on these subject in full.

Precisely half a century ago, on September 30, 1941 loudspeakers had been booming for 48 hours on end in the Ukrainian capital, airing music in a cynical attempt to drown the sound of automatic fire as Nazi troops were wearily shooting the last of the Jewish women, children and old people in Kiev. They were the first to be burned in the mass graves of Babi Yar. Nearly 200,000 others Jews, Ukrainians, Russians and Gypsies shared their lot under the occupation. Our compassionate memory owes tribute to all those innocent victims without distinction. Today we can no longer accept the ideological approaches of the former regime in our country which often ended in neglect for individual rights and the rights of entire peoples. We can accept nothing less than the entire truth about the Babi Yar tragedy where Jews were the most frequent victims of mass executions. The international commemoration of the victims of the tragedy in Babi Yar, held this week in the city of Kiev, services as yet another reminder of our duty to make sure that genocide never happens again anywhere on earth.

In this connection I would like to stress that nowadays Ukraine has changed more than just its country plate in the UN Assembly Hall. It has made fundamental adjustments in the attitude to the tragic pages of its history and in its approach to a number of world issues. Thus, it would have been impossible for the independent Ukraine to support, let alone co-sponsor, a resolution equating Zionism to racism—a resolution born out of bitter ideological confrontation among the nations of the world. It is time for the United Nations to shake off the burden of the past.

Last week the executive director of the Conference of Presidents of Major American Jewish Organizations stated:

As the initial author of the resolution, the Soviet Union's repudiation should be a major spur to the effect for its rejection by the entire United Nations.

That is exactly the thrust of this resolution.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that all Senators who wish may add their names before the close of business, and that any Senator voting in the affirmative be considered to have cosponsored.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I yield 30 seconds to my friend and colleague from New York, Mr. D'AMATO.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 seconds.

Mr. D'AMATO. On behalf of Senator DOLE and myself, we are pleased to join in sponsoring this resolution. This is a manner and way in which the United Nations can really further the peace process.

Mr. GRASSLEY. Mr. President, I rise in support of this resolution urging the repeal of the United Nations' outrageous resolution equating Zionism with racism. This resolution has been a stain upon the United Nations for some 16 years and its repeal is long overdue.

I was pleased to hear President Bush, this week at the opening session of the General Assembly, call for the repeal of the Zionism is a racism resolution. As he noted, this resolution calls into question the very existence of Israel. And at a time that the United States is trying to advance the peace process, we should be promoting and facilitating conduct which increases Israel's confidence in the peace process.

Mr. President, the world is a very different place since the time that resolution was adopted, over very strong objections of the United States, I might add. East-West tensions have receded. The United States, allied with many nations, fought a war against aggression, and the United Nations played a constructive role in that effort.

But when it comes to Arab-Israeli tensions, the United Nations, so long as this resolution stays on the books, has no credibility. The United Nations shows itself to be in the rejectionist camp, questioning Israel's very right to exist.

Zionism was an ideal and a political movement. Now it is a reality. In the last 2 years, Israel has welcomed hundreds of thousands of new immigrants, mostly from the Soviet Union, but also from Ethiopia and Latin America. Israel, 43 years after its creation, continues to fulfill its the dreams of Zionism—to provide a homeland for any Jew from anywhere.

Let us lead the way to the repeal of this offensive resolution.

Mr. MOYNIHAN. Mr. President, seeing no further request to speak, I yield back the floor and thank the majority leader and Republican leader.

The PRESIDING OFFICER. There being no further debate, the question is, Shall the joint resolution pass?

Under the previous order, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I annonce that the Senator from Iowa [Mr. HARKIN], the Senator from Nebraska [Mr. KERREY], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—97

Adams	Ford	Mitchell
Akaka	Fowler	Moynihan
Baucus	Garn	Murkowski
Bentsen	Glenn	Nickles
Biden	Gore	Nunn
Bingaman	Gorton	Packwood
Bond	Graham	Pell
Boren	Gramm	Pressler
Bradley	Grassley	Reid
Breaux	Hatch	Riegle
Brown	Hatfield	Robb
Bryan	Heflin	Rockefeller
Bumpers	Helms	Roth
Burdick	Hollings	Rudman
Burns	Inouye	Sanford
Byrd	Jeffords	Sarbanes
Chafee	Johnston	Sasser
Coats	Kassebaum	Seymour
Cochran	Kasten	Shelby
Cohen	Kennedy	Simon
Conrad	Kerry	Simpson
Craig	Kohl	Smith
Cranston	Lautenberg	Specter
D'Amato	Leahy	Stevens
Danforth	Levin	Symms
Daschle	Lieberman	Thurmond
DeConcini	Lott	Wallop
Dixon	Lugar	Warner
Dodd	Mack	Wellstone
Dole	McCain	Wirth
Domenici	McConnell	Wofford
Durenberger	Metzenbaum	
Exon	Mikulski	

NAYS—0

NOT VOTING—3

Harkin	Kerrey	Pryor

So the joint resolution (S.J. Res. 110) was passed.

S.J. RES. 110

Whereas United Nations General Assembly Resolution 3379 (XXX), which equates Zionism with racism—

(a) has been unhelpful in the context of the search for a settlement in the Middle East;

(b) is inconsistent with the Charter of the United Nations;

(c) remains unacceptable as a misrepresentation of Zionism; and

(d) has served to escalate religious animosity and incite anti-Semitism;

Whereas the United States vigorously opposed the adoption of Resolution 3379 and has never acquiesced to its content;

Whereas the Soviet Union vigorously supported the adoption of Resolution 3379 but has now stated that it no longer supports the resolution; and

Whereas the Soviet Union has expressed a desire to participate in the search for a just

and lasting peace in the Middle East and should demonstrate its commitment to peace by working to repeal Resolution 3379: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid upon the table.

Mr. MOYNIHAN. Mr. President, may I note, with the gracious agreement of the Presiding Officer, unanimous consent was obtained that all Senators who voted for the resolution would be considered to have been cosponsors thereof.

The PRESIDING OFFICER. Under the previous agreement, that was agreed to.

Mr. MOYNIHAN. I do thank the Chair.

DEPARTMENTS OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT AND SUNDRY INDEPENDENT AGENCIES, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS ACT, FISCAL YEAR 1992—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I now ask that the Chair lay before the Senate the conference report on H.R. 2519, the Veterans Affairs-HUD appropriations bill for fiscal 1992.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2519) making appropriations for the Departments of Veterans Affairs, and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1991.)

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Paul Bryant, Tom Spence, Sarah Linstead, and Paul Brubacher be granted unlimited floor privileges during the Senate consideration of this conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I urge the adoption of the conference report.

Mr. President, I am proud to bring before this body the conference report to accompany H.R. 2519, the fiscal year 1992 VA, HUD, and independent agencies appropriations bill, and I urge my colleagues to adopt it.

This year's bill has been my most difficult as chair of the VA-HUD Subcommittee. We faced compelling needs from virtually every agency and advocacy group with an interest in this legislation. From our aging veterans who fought to save our freedom, to the pioneers of the new frontiers in space, we had significant causes among which to choose.

The criteria we used to set our course were first, what was in the national interest. Second, had we met our commitments—both past and future: to the heroes of our past wars—or through public investments in the next generation in space, science and the environment. And finally, in housing, had we given the opportunity for those Americans who seek to become middle class.

We had three lists of priorities: What we "must do"; what we "should do"; and what we would "like to do". We have done our best to fund those items on the must do list, and to lesser extent, those on the should do list. But I would be less than honest with my colleagues if I said that this legislation contains everything I would like to do. Whether it is in veterans health care, or housing, or in investments in the future like space or the environment, we simply did not have the funds to address every good idea or intention.

In addition, the subcommittee faces a serious, last-minute problem before conference in housing. For the second time in 3 years, HUD admitted to a $1.2 billion error in its estimates of section 8 contract renewals, only hours before the Senate went to markup in July. To solve this problem, and avoid putting 24,000 families in the street next year, we had to agree to add an additional $325 million in section 8 renewals in fiscal year 1992, and provide an advance appropriation of over $850 million for fiscal year 1993. That is $325 million that is not available for either new housing initiatives or traditional housing programs.

So these pressures, coupled with the legitimate requests of our colleagues in both bodies, have made for a tight budget which require us to make the hard choices for which our constituents elected us.

I will now outline some of the major aspects of the conference agreement.

DEPARTMENT OF VETERANS AFFAIRS

The conference agreement includes a total of $32.5 billion for the Department of Veterans Affairs. For medical care, $13.5 billion is provided, an increase of $226 million above the President's request and $1.2 billion above last year's amount.

This includes $75 million for 1,500 new nurses in VA hospitals, $500 million for vitally needed medical equipment, $12 million to institute a quality assurance system in each VA hospital, and $30 million to treat vets suffering from posttraumatic stress.

A total of $796 million is included for the Veterans Benefits Administration, including funds above the budget request for 220 staff to reduce the growing backlog of veterans' claims.

For the National Cemetery System, $67 million is provided—an increase of $10 million above the President's request—to restore our veterans cemeteries to a level of beauty and dignity befitting those who are buried there.

Finally, more than $600 million is provided for major and minor construction projects. The conferees agreed to reduce the budget of the VA's Office of Facilities, which runs the construction program, to send a strong message that they need to get the excessive construction cost overruns under control.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The bill provides a direct appropriation of $23.8 billion for housing and community development. In addition, the bill uses about $750 million in carryover funds and a $1.750 billion savings from the refinancing of elderly and disabled housing projects. This provides for a total housing program level of $26.3 billion, about $2 billion, or an 11-percent increase, over last year.

Provided within this amount are funds for three new initiatives: $1.5 billion for the new HOME Program; over $600 million for the preservation of housing funded under the old 221 and 236 programs; and $361 million for the new HOPE Program.

In addition, the bill includes almost $7.4 billion for section 8 contract renewals, as well as funds for new Indian, elderly, disabled, public, and section 8 housing units. The bill also includes $3.4 billion for the CDBG Program, $200 million above last year's level.

In addition, we have included $450 million for homeless programs. While less than the President's budget request, the level in the conference report for homeless assistance is about 32 percent above last year's appropriation. It was the decision of the conferees, however, to put more funds into permanent housing, rather than simply into homeless assistance.

The conferees have included the language requested by the Office of Management and Budget on the conversion of 202 elderly and handicapped housing projects. While including this language, however, the conferees have added a provision that does not mandate conversion until January 1, 1992. In addition, from January 1, 1992, until April 1, 1992, the conferees have provided the Secretary with the ability to provide a conversion waiver on a case-by-case basis. The conference report also provides language that makes clear that any existing project which converts from the loan to the direct grant program that they will be able to use secondary financing from non-Fed-

eral sources. Finally, converted projects, under the conference report, will guarantee that they will not lose their place in line in the approval process.

ENVIRONMENTAL PROTECTION AGENCY

The conference agreement provides $6.7 billion to the Environmental Protection Agency, an increase of 9 percent over the fiscal year 1991 budget and 7 percent above the President's request.

Included in that is $2.6 billion for EPA's operating programs: more than $1 billion for salaries and expenses, sufficient funds to implement the new Clean Air Act amendments; $323 million for research and development; and about $570 million for State grants for nonpoint source control, clean lakes, drinking water, hazardous waste, asbestos abatement, and other activities.

The conferees agreed to provide $1.616 billion for the hazardous substance Superfund to clean up toxic waste sites nationwide. The agreement directs EPA to cut back on contractors' overhead expenses, and reduces the amount of administrative expenses charged to the trust fund, leaving more funds available for direct site clean ups.

Finally, $2.4 billion is provided for sewage treatment construction grants and the State revolving loan fund program, the highest amount since 1985. It represents an increase of $500 million above the President and $300 million above the 1991 level.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The bill provides a total appropriation to FEMA of over $773 million.

Notable differences between the conference agreement and the administration request are:

Rejection of a $91.25 million budget amendment for disaster relief.

We rejected the budget amendment because the administration didn't designate these funds as emergency in nature, and its source of proposed funding offsets were unacceptable. It's my hope that this impasse over emergency designation will be resolved.

An additional $34 million for the Emergency Food and Shelter Program, to maintain last year's funding level of $134 million.

Addition of $2.26 million to make necessary safety and other building improvements at Emmitsburg, MD.

And an addition of $3 million for title III community-right-to-know activities.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conferees recommend $14.3 billion for NASA for 1992. This is an increase of $452 million, or 3.3 percent over last year. Of this total, $6.4 billion is for research and development, $5.2 billion is for space flight, control, and data communications, $2.2 billion is for research and program management, $525 million is for construction of facilities, and $14.6 million is for the inspector general.

The conference report recommends $6.414 billion for research and development. This is an increase of $390 million, 6.5 percent, over last year. Included in R&D is $2.029 billion for the space station *Freedom*, and increase of $129 million or 6.8 percent over 1991. With this recommendation, the conferees provide the President's full request.

The report provides $2.667 billion for space science and applications. This is an increase of $238 million or 9.8 percent over last year. The report recommends: $151 million for AXAF [X-ray observatory]; $211 million for CRAF/Cassini [Comet & Saturn]; and $188 million for EOS plus $83 million for EOSDIS.

The conferees recommend $595 million for space transportation. This is $87 million below 1991, due to reductions in spacelab, upper stages, and the new launch system. Aeronautical research is increased $62 million to $574 million, and commercial programs, $19 million to $105 million.

The conferees recommend $5.157 billion for space flight, control, and data communications. This is an increase of $46 million or 9 percent over 1991. Of this, $1.1 billion is for shuttle production and capability, $2.9 billion is for space transportation operations, and $.9 billion is for space and ground communication networks.

The conference report recommends $525 million for the construction of facilities. This is an increase of $27 million over 1991.

The conferees recommended $2.242 billion for research and program management. This is an increase of $130 million over last year.

The conference agreement includes the adoption of a series of principles with respect to NASA's future budget submissions. It is imperative, in the view of the committees, that NASA and the OMB take them seriously so as to guarantee that our civilian space program will continue to help us prepare for the 21st century in an era of great fiscal constraint.

NATIONAL SCIENCE FOUNDATION

The conference agreement provides an appropriation of $2.6 billion for the National Science Foundation for 1992. This is an increase of $261 million over last year's appropriation, an increase of 10 percent.

Of this amount, $1.879 billion has been provided for the research and related activities. This is an increase of $185 million, or 11 percent over 1991. The agreement recommends additions of $12.5 million for astronomy, $7.5 million for Arctic research and logistics, and $4 million for EPSCoR.

The conferees have added $75 million to Education and Human Resources bringing the total to $465 million. This is an increase of 44 percent—signaling the conferees' strong commitment to education activities.

The conference report provides $33 million for academic research facilities and instrumentation. It recommends a 50–50 split of funds for these two initiatives.

Included in the report are funds for the Antarctic—$78 million for Antarctic research and $10 million for logistics. These are to be supplemented by DOD funds for logistics and environmental cleanup activities.

The conferees recommended $108 million for the salaries and expenses of the Foundation. This is an increase of $7 million or 7.3 percent over last year. Finally, $14.6 million is provided for the Office of the Inspector General.

FEDERAL DEPOSIT INSURANCE CORPORATION

The bill provides $15,867,000,000 for the FSLIC resolution fund; $12,448,000,000 more than the formal budget request. Changes consists of:

Likely cost increases for the year of $2.473 billion.

Advice of the Chairman FDIC that out-year savings of $2 billion could be realized with an additional $10.007 provided in 1992.

Reduction of $32 million based on identification by the RTC IG of ineligible costs of that amount.

We're providing that extra $10 billion to try to save the taxpayers some money. Last year, the Congress provided the FSLIC resolution fund an additional $16 billion to buy out or renegotiate some of these deals at better terms for the Government. The RTC IG confirmed last summer, that $16 billion would save the taxpayers at least $500 million, and likely up to $2 billion.

CONCLUSION

Mr. President, in conclusion, I would like to thank the members of my subcommittee, particularly my ranking member, the distinguished Senator from Utah. They have provided me with invaluable support this year. I am indebted to them, and especially Senator GARN, for their cooperation and counsel.

A special thanks also goes to my full committee chairman, Senator ROBERT C. BYRD, and the full committee's ranking member, Senator MARK HATFIELD. No committee in this body could be headed by any better Senators, and the Committee on Appropriations is fortunate to have them both.

I would also like to thank the full committee staff, led by Jim English, Terry Sauvain, and Mary DeWald for the majority, and Keith Kennedy for the minority. Without their help this year, we would have faced an infinitely more difficult task.

I also want to thank my dedicated subcommittee staff. They have worked very hard on this legislation and I am proud of them for what they have been able to help Senator GARN and I accomplish in it. They include on the majority staff: Kevin Kelly, the staff director and majority clerk; Carrie Apostolou, the assistant clerk; Juanita Griffin,

the subcommittee's staff assistant; Dr. Thomas Spence, on detail from the National Science Foundation this year; Paul Bryant, our ace accountant on detail from the General Accounting Office who has helped us wade through both FEMA and our responsibility with America's financial institutions for the last 2 years; and Sarah Linstead on detail from NASA. On the minority side, they include Stephen Kohashi, Donna Pate, and Paul Brubacher.

I urge my colleagues to agree to this conference report as a balanced effort for America's future in a time of great fiscal constraint.

Mr. GARN. Mr. President, as we begin consideration of the conference report on the fiscal year 1992 VA-HUD appropriations bill, I would like to compliment Senator MIKULSKI, chair of our subcommittee, for her hard work and dedication in resolving the significant differences between the House and Senate versions of this measure. This task, and the difficult and complex choices involved, has been compounded by the severe budgetary constraints imposed on discretionary appropriations.

I would note, however, that we can expect these budgetary burdens to grow, if not multiply in severity next year and thereafter, and I am very concerned over the implications of some of the choices made in this bill in terms of how they will aggravate our plight. This is particularly worrisome in the low-outlay housing and community development activities which are being financed through one-time budget authority recapture windfalls. This is enabling us to provide a significantly higher program level than what we will be able to sustain in future years when we must use new budget authority and remain within expected outlay limitations.

I fully recognize the natural reluctance to decline attractive opportunities available now because of what may happen down the road. But I think it is important that we put ourselves, and the public, on notice that this measure probably represents the high-water mark of funding for these programs. And that we must expect reductions in years to come.

When I served as chairman of our subcommittee, I employed the same techniques and schemes to maximize the program levels of activities under our jurisdiction. Frankly, there is no incentive in our appropriations process to exercise restraint. Indeed, there is a real disincentive: failure to use every gimmick available only means that the baseline for your programs in the ensuing year's budget allocation will be less, and that your claim to a more adequate share will be unfairly prejudiced by the lack of restraint by others.

We may have entered into a multiyear budget agreement, but we still formulate appropriations bills on an annual basis. And we pay little more than lip service to the implications of our actions on future year budgetary limits.

The program levels reflected in the measure before us simply cannot be sustained within any plausable expectation of what will be available next year, whether or not there is any revision of the budget agreement. Indeed, it is not clear that we will even get through the current fiscal year without a political collision over the domestic spending cap. The housing program levels in this measure are based on optimistic cost assumptions and can be provided only if we recover very high rates of unspent prior year budget authority. Moreover, it is an open issue of how we will respond to the shortfall in disaster relief funding, but there is no room left under our spending caps for this obvious need.

During consideration of last year's conference report I analyzed worrisome trends in expansion of programs under our jurisdiction and the rapid escalation of cost in addressing these needs. For example the largest account in the bill, VA medical care, is demanding increases in funding far outstripping any inflation index, and that is before addressing increased service demand resulting from demographics and constraints on the availability of other forms of medical coverage.

Frankly, I was dubious that we would be able to achieve any agreement on an appropriations bill this year given these rapidly escalating demands and the constrained budgetary caps imposed on discretionary spending. To my relief and surprise, Senator MIKULSKI managed to craft a bill which sustains programs that assist veterans, housing needs of the poor, and the environment, while still providing for increased investment in critical science, space and technology activities. Truly, a remarkable feat and I applaud her outstanding performance.

Mr. President, as I noted earlier, there remain unresolved substantial budgetary issues which we will have to address during the course of this fiscal year. For example, we simply do not know what the number and severity of disasters may occur which will require Federal assistance. Nor do we now know whether HUD estimtates of program recaptures, housing unit subsidy cost, and subsidy renewals requirements are accurate. Unfortunately, past experience has shown that our projections of cost are usually overly optimistic, requiring supplemental appropriations and there is no room for such additional funding.

It is likely, therefore, that we will revisit some of the recommendations contained in our conference agreement during the course of this fiscal year. In addition, given the difficult and substantial choices confronted by our subcommittee during the consideration of this bill, many decisions were made which may result in unintended consequences. For example, a very promising commercial development of a pressurized module for the space shuttle, called Spacehab, was cut by over half of the amount requested in the President's budget. Our assumption was that the private debt structure of this program could be revised to maintain this important initiative. Should this not be the case, we will have to consider a reprogramming among the program levels recommended for NASA to sustain this effort. I am aware of similar concerns relating to the effect of other recommendations such as the reductions for the Advanced X-Ray Astrophysics Facility, shuttle structural spares, and the advanced turbopump development. We cannot expect a reduction in the President's request for NASA of $1.4 billion can be made without pain or sacrifice, but I believe the agency has both the authority and responsibility to review our recommendations and to seek prudent reprogrammings should further analysis warrant such action.

Another significant concern is the assumed shift of funding responsibility for logistical support of the U.S. Antarctic research program from the National Science Foundation to the Department of the Navy in line with the actual operational activities of these two agencies. I understand that OMB has raised questions over the budgetary treatment of this $75 million realignment, but unless this issue is resolved favorably, we may well have to secure funding on an emergency basis to avoid a catastrophic shutdown of this critical program.

Mr. President, this bill is a tribute to the efforts of the Senator from Maryland. It addresses more adequately the important issues and critical program requirements under our jurisdiction than we could have reasonably expected under the circumstances, and I urge its enactment.

Mr. LAUTENBERG. Mr. President, I rise in support of the fiscal year 1992 VA, HUD, and independent agencies appropriations conference report. I commend the leadership of the subcommittee Chair, Senator MIKULSKI, who put together a good bill, and moved it through conference with the House under difficult constraints.

ENVIRONMENTAL PROGRAMS

This bill makes a major financial commitment to the protection of our Nation's environment. I want to highlight aspects of the environmental spending in this bill, as well as projects of special importance in New Jersey which I worked to secure, as a member of the VA HUD and Independence Agencies subcommittee.

Mr. President, I am pleased that total EPA funding in the bill of about $6.7 billion represents an increase by

over $450 million above what the President requested, and about $600 million above last year's level. The bill includes increases for the asbestos program, nonpoint pollution, and Construction Grants. The $2.4 billion appropriation for the sewage treatment program, a $300 million increase over last year.

The bill maintains funding for Superfund at last year's level, but includes report language aimed at achieving the actual level of cleanup funding at the level requested by the President.

Particularly in light of recent reports of waste in the Superfund contracting program, the bill has taken a more cautious approach to funding Superfund. The Chair, Senator MIKULSKI, has attempted to target the bill's proposed cuts below the President's budget to those wasteful areas identified in these recent reports.

At my request, the General Accounting Office is examining the question of wasteful contracting practices, and I am hopeful that this independent audit will achieve greater efficiency in the program. The key is to make sure that we are not impeding EPA's ability to move forward with cleanups, and that we are imposing any proposed cuts on those areas of real inefficiency in the program.

I am pleased that the bill includes $3 million for grants under title III of Superfund Amendments and Reauthorization Act.

Mr. President, the conferees also agreed to include $500,000 for lake water quality activities at Cranberry Lake, Lake Wawayanda, Lake Marcia, and Sylvan Lake in my State of New Jersey. With this funding, the New Jersey Department of Environmental Protection will be able to perform studies and lake quality restoration work on at least four priority projects in New Jersey. These lakes and many others throughout my State which were once used for recreation are now suffering from the effects of pollution. This money is a step in the right direction toward cleaning up lakes around our State and returning them to their natural condition.

The bill also contains $1.5 million for the Integrated Pollution Prevention Initiative at the New Jersey Institute of Technology [NJIT].

In its 1987 report, "From Pollution To Prevention: A Progress Report On Waste Reduction," the Office of Technology Assessment found that pollution prevention efforts have proceeded slowly because industry lacks the information about the opportunities and benefits of source reduction. NJIT's proposal will help address the concerns raised in OTA's report.

Source reduction of chemicals, pollutants and wastes provides significant health and environmental benefits, as well as cost savings. NJIT has proposed a pollution prevention initiative that will bring together academic institutions, industry and the Federal Government in a multidisciplinary program that will seek increased utilization of waste reduction philosophies and techniques in industrial production.

NJIT is well equipped to carry out such an ambitious program. The Institute is home to EPA's Northeast Hazardous Substance Research Center and also houses a Hazardous Substance Management Research Center that has the participation of various academic institutions and 32 industrial members. Furthermore, NJIT has well-established management and public service programs that the school will utilize in conjunction with its technical programs in an effort to produce engineering and managerial professionals who will be able to fully incorporate pollution prevention strategies in the workplace.

Mr. President, I'm very grateful to the Senator MIKULSKI for including language in both the bill and report to stop EPA from any further spending on its proposed Environmental Technology or E-Tech Lab in Edison.

Last year, at my request the subcommittee included language in the fiscal year 1991 VA, HUD and Independent Agencies Appropriations Act that prohibited EPA from spending funds allocated in fiscal year 1988 for the design and renovation of the E-Tech lab. I requested that the subcommittee include this language because EPA had failed to adequately address the environmental concerns of local officials and the community. Furthermore, an informal EPA request for an additional $8,000,000 for the project raised serious questions about the overall scope and design of the project.

The intent of the language included in last year's act was to prohibit EPA from constructing the E-Tech facility and to see if the Agency could satisfy State and local concerns. However, EPA has done neither, despite the fact that Congress gave the Agency ample time to do so. During the past year opposition to the project has grown and EPA failed to include a request for E-Tech in its fiscal year 1992 budget proposal.

Given EPA's lack of a budget request and its failure to satisfy concerns in New Jersey, I asked Senator MIKULSKI to include language in the subcommittee's bill and report that would permanently halt construction of E-Tech.

To permit E-Tech to go forward, in the face of community opposition, and considering the densely populated nature of the area, makes no sense.

As a coauthor of Superfund Amendments and Reauthorization Act of 1986, I continue to support an effective Federal research effort to find ways to treat hazardous waste. At my request, the Senate Appropriations Committee urged EPA to put forth alternatives to E-Tech at Edison to promote a vigorous, national program of hazardous waste research. I hope EPA will take the committee's language to heart and come up with a safer alternative to E-Tech in the near future.

The bill before us also includes funding for efforts to control medical waste, which periodically soils the beaches of my State and others, and threatens the health and peace of mind of Americans. The conferees agreed to provide $1.2 million for grants to States like New Jersey to enforce the Medical Waste Tracking Act. The bill also requires the EPA to allocate sufficient funds within its budget to implement the act on the Federal level.

Mr. President, the bill is an important one for the protection of our Nation's environment and for the cleanup of pollution that scars our landscape and threatens the public health.

HOUSING AND COMMUNITY DEVELOPMENT

Mr. President, I want to comment on some items related to housing and community development that are of special interest to me.

First, I am very pleased that the conference report includes $165 million for the Public and Assisted Housing Drug Elimination Act. This program, which I developed about 3 years ago, provides much-needed assistance to housing authorities, owners of assisted housing, and residents of federally subsidized housing, to fight the plague of drug-related violence in many housing projects.

Mr. President, the residents of public and assisted housing, among the poorest of all Americans, are suffering disproportionately from the dramatic increase in drug-related crime over the past several years. Too many projects have become virtual war zones, controlled by armies of violent, heavily armed drug dealers. With severe violence routine, many residents, particularly young children, are afraid even to leave their apartments at night.

The Public and Assisted Housing Drug Elimination Act is the only Federal program designed specifically to deal with this problem, and is the most effective vehicle for such efforts. Last year, grants were awarded to 349 public housing authorities and 15 Indian housing authorities in 46 States, the District of Columbia and Puerto Rico. A new round of grant awards was announced by HUD earlier this week.

The $165 million provided in this bill represents the full amount requested by the administration for fiscal year 1992, and virtually the full authorized level of the program. It also includes $10 million that will be available for grants to owners of assisted housing projects, many of which face the same types of drug problems as those in public housing. Last year, with my support, the Congress expanded this program to include assisted housing.

As I have discussed in past statements, the owners of assisted housing have the primary responsibility for providing safe living conditions. However, many of these owners face an unforeseeable explosion in drug-related crime and lack the resources to respond effectively. Under these circumstances, their residents should not be left at the mercy of violent drug criminals.

The National Affordable Housing Act allows HUD to establish separate selection criteria for consideration of applications from owners of assisted housing. Given the limited funds available, I am hopeful that these selection criteria will help HUD target grants to assisted housing owners who could not otherwise meet their obligation to provide safe housing.

Another housing program in which I have been particularly involved is the HOME Program, which provides support for State and local governments, and nonprofit, community-based groups, for the development of affordable housing. The Community Housing Partnership title of the HOME Program is based on legislation I introduced in the 101st Congress, the Community Housing Partnership Act.

The conference report contains $1.5 billion for the HOME Program. Although somewhat lower than the $2 billion approved by the Senate, which I would have preferred, this should go a long way toward getting the program off the ground.

I am also pleased that the bill includes a significant increase for the Community Development Block Grant Program, to $3.4 billion. The CDBG Program is an essential tool for local governments seeking to meet urgent community development and housing needs. It deserves our strong support.

Mr. President, I also want to note the funding provided in the bill for public housing operating subsidies and modernization. Public housing authorities face enormous problems in their efforts to serve their residents, and to rehabilitate deteriorating projects. The funding provided in the conference report for operating subsidies and modernization is badly needed to better serve those who call public housing home.

Mr. President, I also want to take this opportunity to express my support for funding of the AIDS Housing Opportunities Act, a new program that was included in the omnibus housing bill last year. This program provides special housing assistance for people with AIDS. Under the program, funds are distributed largely to cities and States, which may use the funds for a number of housing services, including rental subsidies, construction of new housing, renovation of existing housing, homeless prevention programs, community residential facilities, information services, and other housing programs. Funding for the program is important given the severity of the AIDS crisis, and the difficulty that many of those with the disease face in securing housing.

I am pleased that the conference report includes $500,000 for a housing technology demonstration program that has been developed by the New Jersey Institute of Technology.

Given the severe shortage of affordable housing in much of the country, it is important that technologies be developed to reduce the costs of housing production. Yet presently, there are real disincentives for the home building industry to invest capital in the development of new technological innovations. These innovations typically require many years of work, and the expenditure of large sums to pay for research, development, material testing, and construction of prototypes, code testing and approvals, tooling, manufacturing and marketing. Given the fluctuations in the housing market, it is generally uncertain whether there will be a market after this lengthy process is complete.

A study by the New Jersey Institute of Technology found that there are many new ideas and technologies for improving housing quality and reducing costs that could be developed under the appropriate conditions. NJIT worked with a variety of building industry and State officials, and developed a proposal for a housing technology demonstration park for the design, development, and production of housing built with innovative materials, methods, and components. With the $500,000 provided in the conference report, this project should provide a useful vehicle to test, demonstrate, and market affordable housing technologies.

The NJIT initiative complements another important initiative on housing technology research that is funded in the bill, the provision for $1 million for the Research Center of the National Association of Home Builders.

Let me turn now to provisions in the conference report that will have a direct, positive impact on several specific communities in New Jersey.

First, the bill includes $2.5 million for the St. Joseph's School for the Blind in Jersey City, NY. This is the State's only school for the blind and multidisabled, and serves the needs of approximately 60 students. Over 50 percent of these students are from low-income families who receive public assistance.

Residential students at St. Joseph's are currently housed in old, cramped quarters on the second and third floor of the school. The proposed residential facility will be located off campus, to provide a more mainstreamed environment for the children and will be built on a parcel of land that the city of Jersey City donated to the school. The city has also proposed a comprehensive redevelopment plan for this section of Jersey City, called the Heights section, which will include a police and fire station, a water company building, a recreation area, and new and renovated housing.

The bill also includes $100,000 for improvements to the West Side Community Center in Asbury Park, NJ. This is a recreational center open to all community residents that serves as a hub for community activities, such as a summer day camp, drug abuse prevention classes, theater, sports, and child care.

The center has found that many senior citizens residing in the city are eating poorly, and wants to construct a kitchen that would be used to prepare hot meals for the elderly. In addition, the kitchen would be used for a summer box lunch program for youth, which would complement existing summer recreation programs at the center.

I also want to point out an allocation of $20,000 for a commercial redevelopment feasibility study for Clayton, NJ. Clayton is a small town with low- to middle-income families and many senior citizens on fixed incomes. The town is seeking to bring back its downtown, which has deteriorated, and is hoping to implement a plan to revitalize that area.

The bill also includes $50,000 for a feasibility study on the creation of a business park in Wildwood, NJ. Wildwood is a municipality that has suffered economically, and there is a real need to revitalize its downtown. This funding could help, by laying the groundwork for a business incubator that could offer reasonably priced space for various uses, such as factory outlet facilities, a vegetable produce center, and a retail outlet for handicapped and special education adults and youth. I am hopeful that the study can be completed for less than the full $50,000 in which case funds also could be applied to begin preliminary work on the project.

In addition, the bill includes $80,000 for an initiative to revitalize the central business district in Paulsboro, NJ. This initiative would be part of an effort to improve parking areas, store front facades, and the rehabilitation of a vacant building for senior citizen housing.

I also want to express my support for allocations that are provided in the conference report for Newark, NJ. These include funding for an international trade and convention center, for a literacy training project in public housing projects, and for renovation of storefront facades in the Four Corners area of the city. I also would note the $200,000 that has been provided for a revitalization initiative in Perth Amboy, NJ.

Mr. President, the New Jersey initiatives on which I have worked are con-

sistent with the goals of Federal community development programs. They are important to the communities involved, and the many low- and moderate-income residents of these communities.

SCIENCE FUNDING

Mr. President, the conference report makes important investments in the development of American technology, and the preparation of America's next generation of scientists and innovators. It includes critical funding for the National Science Foundation and NASA, as well as research functions of the EPA, VA and HUD.

I am pleased that an increase in funding is included for two satellite systems—the Earth Observation System [EOS] and Landsat—that will improve the quality of our global climate research program. I was pleased to seek this funding and to work with the Chair on its inclusion in the Senate bill.

EOS is the cornerstone of the U.S. global climate and will provide the scientific community with the necessary data to understand the rate, causes and effects of global climate change, including such effects as climate warming, ozone depletion, deforestation and acid rain. This conference report provides $271 million for EOS, $80 million above last year's level. The bill also provides $2.5 million for long lead parts for Landsat 7, the next stage of the Landsat satellite system, which is also essential for global climate change research and also has national security applications. The Landsat system was used to collect information during Operation Desert Storm. I am proud that scientists and researchers at General Electric facilities in New Jersey are developing these innovative projects.

The bill also includes $3.1 million for the continued development of the rotary engine for general aviation aircraft, a project being developed in Wood-Ridge, NJ.

Within the appropriation for NSF, the bill also includes $465 million for the Education and Human Resource activities of NSF, $143 million over last year's level. The bill specifically includes $33 million for facilities modernization and instrumentation for our Nation's colleges and universities. The funding levels in the bill will enhance our efforts to prepare teachers of science, to support graduate research, and to upgrade the laboratories where America's scientists work. Our Nation's academic infrastructure is crumbling and the funding of this program takes a small step in rectifying this situation.

Mr. President, America's competitiveness depends on its technological edge. This measure before us makes an important investment in activities designed to keep that edge.

VETERANS PROGRAMS

Mr. President, I rise in support of the substantial commitment that is made in the conference agreement for the care of our Nation's veterans. Under tight budget constraints, the conference agreement includes substantial increases to meet the growing needs of those who served our Nation. I commend the Chair of the subcommittee, Senator MIKULSKI, and the ranking minority member, Senator GARN, for their steadfast support of our veterans.

The conference agreement includes significant funding for veterans medical services and programs, as well as for medical research and care, special pay for physicians, dentists and nurses, treatment of posttraumatic stress disorder, and housing for homeless veterans. Specifically, the conference agreement includes $227 million for VA medical research. It provides $13.5 billion for medical care. That is $225 million above the President's request for medical care.

Of particular importance to the veterans of New Jersey, where our hospitals have experienced difficulty attracting skilled medical personnel, the conference agreement also includes an additional $60 million over the administration's request for special pay for physicians and dentists, an additional $50 million for special pay for nurses, and an additional $75 million to hire over 1,500 nurses in areas of greatest need.

The conference agreement also includes $30 million for posttraumatic stress disorder, $10 million over the administration's request.

I also note that the report accompanying the Senate version of this bill has included language directing the Veterans Affairs Department to address the significant unmet need for magnetic resonance imaging services in New Jersey. The Senate Appropriations Committee has asked the Department to include an appropriate request in next year's budget to meet this need, and to also provide the committees with a report on this matter.

Mr. President, our military personnel have risked their lives to protect the national security of this country. I'm pleased that the Congress has approved these increases, to help heal the wounds that our veterans still have with them, and to meet their other health care needs. Our veterans deserve no less.

Finally, I want to thank Senators MIKULSKI and GARN for their help on these matters. They have done an excellent job with this bill in most respects, and they deserve a great amount of credit.

PRINTING ERROR

Ms. MIKULSKI. Mr. President, I would like to correct a printing error in the statement of the managers on H.R. 2519, the 1992 VA, HUD, and Independent Agencies Appropriations Act.

On page 24612 of the CONGRESSIONAL RECORD dated September 27, 1991, under amendment No. 35, a special purpose grant provides $575,000 for emergency construction of water lines in Auburn, MA, to address presently irreversible hazardous contamination of the sole source of water for certain sections of the town. The grant is for the town of Auburn, not Ashburn as printed in the RECORD. There is no Ashburn in Massachusetts.

Mr. President, I have discussed this matter with the minority and they agree that the grant is intended for Auburn, MA. Further, I understand that the House concurs that this was a printing error and was so noted when the conference report was before that body earlier today.

NASA ALTERNATE TURBOPUMP DEVELOPMENT COLLOQUY

Mr. HEFLIN. Mr. President, I would like to ask the chairwoman of the subcommittee about the Assured Shuttle Availability Program. I know the chairwoman and the members of her subcommittee are concerned about this program and particularly with the alternate turbopump development [ATP] portion of the program. Conferees have agreed to delete $40 million from the President's budget request and stated that they "believe that the fuel pump being developed under the ATP program should be terminated."

It has come to our attention that there remain some outstanding technical issues with the current hydrogen fuel pump, even though it has recently been fully certified. While these issues do not appear to be of overwhelming concern, they do suggest that it might be slightly premature to terminate the ATP Fuel Pump Program. In addition, the $40 million cut envisioned by the subcommittee will be absorbed by $25 million in cancellation expenses. For approximately $15 million we can have the insurance necessary for the Assured Shuttle Availability Program. Given these factors, is the chairwoman agreeable to terminating the program only after a study of the program has been conducted and presented at the NASA budget hearings for fiscal year 1993?

Ms. MIKULSKI. This is certainly an issue that NASA will have to address in its program operating plan which is due 30 days following enactment of this bill. NASA should carefully consider the concerns you raise, and we will review their recommendations.

USBI WATERJET TECHNOLOGY

Mr. HEFLIN. Mr. President, on past occasions, I have discussed the significant value of spinoff applications developed through our country's space program. I would like to take this opportunity today to mention a spinoff

technology being developed by one of Alabama's premier space companies, USBI, a part of the United Technologies Corp.

USBI is a major contractor on NASA's space shuttle program. They are responsible for refurbishing, integrating, and recovering the non-motor portions of the two solid rocket boosters used on each launch. In the refurbishment process, USBI uses a high pressure waterjet process to remove the old thermal protective ablative [TPA] material from the nosecone, frustrum, and aft skirt portions of the solid rocket boosters. USBI developed this automated, robotic high pressure waterjet process to replace the original manual methods employed for removing the material.

As a spinoff application, USBI is using this technology as an alternative for stripping old paint from military and commercial aircraft as well as removing coatings from jet engine parts. The waterjet method is significantly faster than conventional chemical-based techniques, uses only minimal labor and most importantly, virtually eliminates the need for the use and disposal of toxic stripping chemicals. In addition, workers are not exposed to dangerous fumes, need not wear protective clothing, and use no solvents.

The U.S. Air Force was so impressed with the technology that they recently awarded USBI a $5.9 million Mantech contract—extendable to $9.6 million—for a large aircraft robotic paint stripping system [LARPS] that uses waterjet technology under robotic control. Further, a special task force of the International Air Transport Association [IATA], studying alternative techniques for paint stripping from aircraft, has endorsed waterjet technology as the most promising of several techniques under review.

The conventional technique for removing paint from aircraft skin is by using methylene chloride, a toxic solvent requiring workers to wear protective latex clothing and breathing apparatus. The conventional technique for removing coatings from aircraft engine parts for refurbishment requires submersion in toxic chemical baths and grit blasting. High pressure waterjet technology uses only water which makes it the most environmentally acceptable technique available today. In addition, waterjet technology is faster, less labor intensive, and does a better job, in many instances prolonging the life of the individual components.

Other applications identified for this spinoff waterjet technology include stripping paint from ships, railcars, and military combat vehicles, such as tanks.

One important result of USBI's analyses so far has been the fact that the cumulative savings in labor, faster throughput time, reduced disposal costs, and the elimination of toxic material handling costs are significant enough to pay for the investment in waterjet equipment over a very short time. In other words, waterjet pays for itself.

In summary, a new industry based on a NASA spinoff technology is emerging as the economically sound and environmentally safe technology for stripping paint and coatings from a variety of products, thereby eliminating a major use of toxic chemicals in American industry.

The PRESIDING OFFICER. Is there further debate on the conference report?

The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate consider and concur in the amendments of the House en block, and that the motions to table and the motions to reconsider be agreed to en bloc, with the exception of amendment No. 21.

The PRESIDING OFFICER. Without objection, is is so ordered.

The amendments in disagreement considered and agreed to en bloc are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2519) entitled "An Act 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.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 6, 10, 14, 28, 29, 30, 34, 49, 53, 71, 73, 74, 75, 76, 78, 80, 81, 85, 89, 92, 98, 106, 123, 124, 131, 139, 142, 147, 148, 153, 159, and 173 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert "$413,360,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert "$3,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert "$796,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Notwithstanding the funding limitations contained in section 346 of Public Law 100-322 (May 20, 1988), appropriations available to the Department of Veterans Affairs for fiscal year 1992 for the National Cemetery System shall be available for the operation and maintenance of the National Memorial Cemetery of Arizona (formerly the Arizona Veterans Memorial Cemetery): *Provided*, That the provisions of this paragraph regarding the National Memorial Cemetery of Arizona shall be effective until (a) enactment into law of legislation concerning funding for the National Memorial Cemetery of Arizona or (b) November 30, 1991, whichever first occurs.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert "$95,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert "$95,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

[INCLUDING RESCISSION OF FUNDS]

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $8,070,201,000, to remain available until expended: *Provided*, That to be added to and merged with the foregoing amounts, there shall be $2,287,000,000, consisting of $537,000,000 of budget authority previously made available under this head for nonincremental purposes which remains unreserved at the end of fiscal year 1991; and $1,750,000,000 of section 8 funds arising from the conversion of the new capital advance program of projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That, from the foregoing total of $10,357,201,000, $227,170,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); $573,983,000 shall be for the development or acquisition cost of public housing, including $15,719,158 for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzales National Affordable Housing Act (Public Law 101-625), and, notwithstanding the 20 per centum limitation under section 5(j)(2) of the Act, of the $573,983,000 for the development or acquisition of public housing, $200,000,000 shall be awarded competitively for construction or major reconstruction of obsolete public housing projects, other than for Indian families; *Provided further*, That of the $10,357,201,000 total under this head, $2,800,975,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 14371), including funds for the comprehensive testing, abatement, and risk assessment of lead, of which $25,000,000 shall be for the risk assessment of lead and $5,000,000 shall be for technical assistance and training under sec-

tion 20 of the Act (42 U.S.C. 1437r), and $7,437,600 shall be for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further*, That of the $10,357,201,000 total under this head, $915,750,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f), including $50,000,000 for a Foster Child Care demonstration program involving 11 States, $12,840,790 for a demolition/disposition demonstration program in Saint Louis, Missouri pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and $20,000,000 for a demonstration involving five cities with populations exceeding 400,000 in metropolitan areas with populations exceeding 1,500,000, under which the Secretary shall carry out metropolitan-wide programs, designed to assist families with children to move out of areas with high concentrations of persons living in poverty, through contracts with nonprofit organizations and through annual contributions contracts with public housing agencies for administration of housing assistance payments contracts: *Provided further*, That of the $10,357,201,000 total provided under this head, $794,167,000, shall be for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o); $2,300,000,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, including $70,000,000 which shall be for rental adjustments resulting from the application of an annual adjustment factor in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (P.L. 101-235); $618,462,000 shall be for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intent to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and of the $618,462,000 made available for such assistance, up to $25,000,000 shall be for use by nonprofit organizations, pursuant to the Emergency Low Income Housing Preservation Act of 1987, as amended by the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and for tenant and community-based nonprofit education, training and capacity building and the development of State and local preservation strategies; $88,884,000 shall be for section 8 assistance for property disposition; and $257,000,000 shall be for loan management: *Provided further*, That any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall be obligated for a contract term that is no more than five years: *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That up to $167,000,000 of amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1992, shall be rescinded: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall not be rescinded, or in the case of cash, shall not be remitted to the Treasury, and such amounts of budget authority or cash shall be used by State housing finance agencies in accordance with such section: *Provided further*, That of the $10,357,201,000 total, $50,000,000 shall be for housing opportunities for persons with AIDS under Title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) and $50,000,000 shall be for grants to States and units of general local government for the abatement of significant lead-based paint and lead dust hazards in low- and moderate-income owner-occupied units and low-income privately-owned rental units: *Provided further*, That such grant funds shall be available only for projects conducted by contractors certified and workers trained through a federally or State-accredited program: *Provided further*, That, to be eligible for such grants, States and units of general local government must demonstrate the capabillity to identify significant-hazard housing units, to oversee the safe and effective conduct of the abatement, and to assure the future availability of abated units to low- and moderate-income persons; and $4,200,000 shall be for the housing demonstration under section 304(e)(1) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further*, That of the $54,250,000 earmarked in Public Law 101-507 for special purpose grants (104 Stat. 1351, 1357), $667,000 made available for the city of Chicago to assist the Ashland II Redevelopment Project shall instead be made available for the city of Chicago to assist the Marshway Project: *Provided further*, That notwithstanding the language preceding the first proviso of this paragraph, $150,000,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the committee of conference report and statement of managers (H. Rept. 102-226) accompanying this H.R. 2519, including $500,000 for the city of Kansas City, Kansas to operate a social service center.

Of the $10,357,201,000 total under this head, $538,808,000 shall be for capital advances for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (P.L. 101-625); $451,200,000 shall be for project rental assistance for supportive housing for the elderly under such section 202(c)(2) of the Housing Act of 1959; $148,700,000 shall be for amendments to rental assistance contracts for projects for the elderly that receive capital advances or projects reserved under section 202 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act; and $16,250,000 shall be for service coordinators pursuant to section 202(g) of the Housing Act of 1959, as amended by section 808 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided*, That to the extent that the funding provided herein for rental assistance contracts for the elderly that receive capital advances is insufficient to match the units provided through capital advances, funds deemed excess in other section 8 programs may be added to and merged with the rental assistance funding to ensure that sufficient rental assistance units are available.

Of the $10,357,201,000 total under this head, $102,860,000 shall be for capital advances for housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (P.L. 101-625); $100,159,000 shall be for project rental assistance for persons with disabilities under section 811(b)(2) of the Cranston-Gonzalez National Affordable Housing Act; and $23,300,000 shall be for amendments to rental assistance contracts for projects for the handicapped that receive capital advances, including projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act.

The Secretary of Housing and Urban Development shall make a commitment and provide capital advance assistance under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act, or section 811 of such Act if the project is for persons with disabilities, for any project for which there is a loan reservation under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act, if the loan has not been executed and recorded, and if the project is making satisfactory progress under 24 CFR section 885.230: *Provided*, That the Secretary shall not make such commitments and provide such capital advances assistance before January 1, 1992: *Provided further*, That the Secretary shall have the discretion until April 1, 1992 not to terminate a project and not to convert a project to capital advance assistance: *Provided further*, That upon converting a project to capital advance assistance, the loan reservation for such project shall be terminated: *Provided further*, That a project not making satisfactory progress under 24 CFR section 885.230 shall not have its loan reservation terminated before January 1, 1992, and the Secretary shall ensure that the processing of all projects through loan execution and recordation or the making of the capital advance is expedited, and that no project being so processed shall have the order in which it is processed arbitrarily changed: *Provided further*, That an owner of a project that is converted pursuant to this paragraph shall be permitted voluntarily to provide funds for capital costs in addition to the capital advance, from debt or other non-Federal sources.

With respect to each project that has a loan reservation terminated pursuant to the immediately foregoing paragraph, the Secretary of Housing and Urban Development shall convert each funding reservation that was made under section 8 of the United States Housing Act of 1937 or section 202(h) of the Housing Act of 1959, before enactment of the Cranston-Gonzalez National Affordable Housing Act, to a commitment for project rental assistance under such section 202 as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act or section 811 of the Act.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not other-

wise provided for, for use in connection with expiring section 8 subsidy contracts, $7,355,128,000, to remain available until expended: *Provided*, That funds provided under this paragraph may not be obligated for a contract term is less than five years: *Provided further*, That the Secretary may maintain consolidated accounting data for funds disbursed at the Public Housing Agency or Indian Housing Authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts.

Further, for the foregoing purposes, $850,000,000, to become available for obligation on October 1, 1992, and to remain available for obligation until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

For those projects in the State of Maine, the owners of which have converted their section 23 leased housing contracts (former section 23 of the Act, as amended by section 103(a), Housing and Urban Development Act of 1965, Public Law 89-117, 79 Stat. 451, 455) to section 8, the subsidy provided shall be for a five-year extension of such projects' current housing assistance payments contracts.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided*, That of the funds provided under this heading, $294,156,000 shall not become available for obligation until September 20, 1992."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided*, That there shall be established, in the Office of the Secretary, an Office of Lead Based Paint Abatement and Poisoning Prevention to be headed by a career Senior Executive Service employee who shall be responsible for all lead-based paint abatement and poisoning prevention activities (including, but not limited to, research, abatement, training regulations and policy development): *Provided further*, That such office shall be allocated a staffing level of 20 staff years."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 67 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Notwithstanding any other provision of law or other requirement, the city of Vallejo, California, is authorized to retain any land disposition proceeds or urban renewal grant funds that remain after the financial close-out of the Marina Vista Urban Renewal Project, and to use such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The city of Vallejo shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.

Notwithstanding any provision of law or other requirement, the Urban Renewal Authority of the City of Oklahoma City, in the State of Oklahoma, is authorized to retain any land disposition proceeds and other income from the financially closed-out Central Business District Number 1A Urban Renewal Project (OKLA. R-30) and John F. Kennedy Urban Renewal Project (OKLA. R-35) in accordance with the close-out Agreements executed pursuant to 24 CFR 570.804(b)(5) October 16, 1979, and concurred in by the Secretary, which agreements obligated such proceeds to completion of project activities in consideration for the reduction of an approved categorical settlement grant in satisfaction of the repayment requirements of 24 CFR 570.486. The Urban Renewal Authority of the City of Oklahoma City shall retain such proceeds and other income in a lump sum and shall be entitled to retain and use, subject only to the provisions of 24 CFR 570.504(b)(5), such past and future proceeds, including any interest, for the completion of such project activities.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following new subsection:

"(p) With respect to amounts available for obligation on or after October 1, 1991, the criteria established under section 213(d)(5)(B) of the Housing and Community Development Act of 1974 for any competition for assistance for new construction, acquisition, or acquisition and rehabilitation of public housing shall give preference to applications for housing to be located in a local market area that has an inadequate supply of housing available for use by very low-income families. The Secretary shall establish criteria for determining that the housing supply of a local market area is inadequate, which shall require—

"(1)(A) information regarding housing market conditions showing that the supply of rental housing affordable by very low-income families is inadequate, taking into account vacancy rates in such housing and other market indicators; and

"(B) evidence that significant numbers of families in the local market area holding certificates and vouchers under section 8 are experiencing significant difficulty in leasing housing meeting program and family-size requirements; or

"(2) evidence that the proposed development would provide increased housing opportunities for minorities or address special housing needs.".

Section 14(k)(5)(A) of the Housing Act of 1937, as amended, is hereby amended as follows:

By striking in the first sentence thereof the word "initial".

In subsection (i) thereof by substituting the phrase "for each of the preceding three fiscal years" for the phrase "for each of fiscal years of 1989, 1990 and 1991".

Adding a new subsection (iii) which provides: "(iii) In determining whether an agency is 'troubled with respect to the modernization program', the Department shall consider only the agency's ability to carry out that program effectively based upon the agency's capacity to accomplish the physical work: (a) with decent quality; (b) in a timely manner; (c) under competent contract administration; and (d) with adequate budget controls. No other criteria shall be applied in the determination.".

Section 14(k)(5)(E) of said Act is repealed.

No appropriated funds may be used to implement the rule proposed in 56 Federal Register 45814, September 6, 1991 relating to "Low-income Public and Indian Housing—Vacancy Rule" or any revision thereof or any other rule related or similar thereto.

Section 6(j)(1) of the Housing Act of 1937, 42 U.S.C. 1437 d(j)(1), [section 502 (a) of the National Affordable Housing Act] is amended as follows:

(1) by adding at the end of subparagraph (H) the following language: "which shall not exceed the seven factors in the statute, plus an additional five"; and

(2) by adding as subparagraph (I) the following:

(I) "The Secretary shall: (1) administer the system of evaluating public housing agencies flexibly to ensure that such agencies are not penalized as result of circumstances beyond their control; (2) reflect in the weights assigned to the various indicators the differences in the difficulty of managing individual projects that result from their physical condition and their neighborhood environment; and (3) determine a public housing agency's status as "troubled with respect to the program under section 14" based upon factors solely related to its ability to carry out that program.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 72 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

The Secretary of Housing and Urban Development shall transfer title to the repossessed property know as the Roosevelt Homes Project (No. 074-84006) located in Davenport, Iowa, to a nonprofit organization. Such property shall be used only for the provision of an integrated program of shelter and social services to the homeless, or for other nonprofit uses, for a period of not less than 20 years following the date of the transfer. Use of the transferred property before the expiration of the 20-year period following the date of the transfer for any purpose other than those described herein shall cause title to revert back to the Secretary of Housing and Urban Development. The nonprofit organization selected by the Department shall have the right house or not use the section 8 certificates attached to the property.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 77 to the aforesaid bill, and concur therein with an amendment as follows:

At the end of the matter inserted by said amendment, insert:

Hereafter, until the Department of Housing and Urban Development has adopted regulations specifying the nature and quality of insurance covering the potential personal injury liability exposure of public housing authorities and Indian housing authorities (and their contractors, including architectural and engineering services) as a result of testing and abatement of lead-based paint in federally subsidized public and Indian housing units, said authorities shall be permitted to purchase insurance for such risk, as an allowable expense against amounts available for capital improvements (modernization): *Provided*, That such insurance is competitively selected and that coverage provided under such policies, as certified by the au-

thority, provides reasonable coverage for the risk of liability exposure, taking into consideration the potential liability concerns inherent in the testing and abatement of lead-based paint, and the managerial and quality assurance responsibilities associated with the conduct of such activities.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 79 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Section 14(a) of the Housing Act of 1937, as amended, (42 U.S.C. 14371(a)) is amended by:

(1) striking "and" at the end of clause "(1)";

(2) adding clauses (3), (4), and (5) as follows:

"(3) to assess the risks of lead-based paint poisoning through the use of professional risk assessments that include dust and soil sampling and laboratory analysis in all projects constructed before 1980 that are, or will be, occupied by families; and

"(4) to take effective interim measures to reduce and contain the risks of lead-based paint poisoning recommended in such professional risk assessments;

"(5) the costs of testing, interim containment, professional risk assessments and abatement of lead are eligible modernization expenses. The costs of professional risk assessment are eligible modernization expenses whether or not they are incurred in connection with insurance and costs for such assessments that were incurred or disbursed in fiscal year 1991 from other accounts shall be paid or reimbursed from modernization funds in fiscal year 1992."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 95 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided further*, That of the amount provided under this heading, up to $1,000,000 shall be available for the Chemical Safety and Hazard Investigation Board, as authorized by the Clean Air Act Amendments of 1990 and up to the sum of $17,000,000 shall be for subsidizing loans under the Asbestos School Hazard Abatement Act, and $2,400,000 shall be for administrative expenses to carry out the loan and grant program.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 107 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert "$1,948,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 111 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: $340,000,000 shall be for making grants under title II of he Federal Water Pollution Control Act, as amended, to the appropriate instrumentality for the purpose of constructing secondary sewage treatment facilities to serve the following localities, and in the amounts indicated:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 112 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Back River Wastewater Treatment Plant, Maryland, $40,000,000; Boston, Massachusetts, $100,000,000;

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 119 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken by said amendment, insert "*Provided further*, That the U.S. Environmental Protection Agency shall not prohibit the Massachusetts Water Resources Authority (MWRA) from utilizing the most appropriate technology for the treatment, disposal, and or beneficial re-use of sludge, unsold fertilizer pellets, and grit and screenings outside the Commonwealth of Massachusetts through lease, contract, or by other legal means. The EPA may require sufficient backup capacity for the disposal or treatment of sludge in the Commonwealth through ownership, lease, contract, or by other legal means. The MWRA shall not be required to construct a backup landfill of facility if other alternatives approved through EPA NEPA review of MWRA long-term residuals management, are or become available through ownership, lease, contract, or other legal means prior to September 1, 1992, and as long as such alternatives remain available.

"Any facility or technology used by the MWRA shall meet all applicable federal and state environmental requirements. Any facility or technology must be on-line when a contract between the MWRA and NEFCO, which is responsible for the marketing and disposal of sludge, expires in 1995"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 121 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Environmental Protection Agency shall not exceed: (1) 51 workyears for the Immediate Office of the Administrator, (2) 45 workyears for the Office of Congressional and Legislative Affairs, (3) 77 workyears for the Office of Communications and Public Affairs, (4) 187 workyears for the Office of General Counsel, (5) 61 workyears for the Office of International Activities, (6) 32 workyears for the Office of Federal Activities, (7) 259 workyears for the Office of Policy, Planning, and Evaluation, and (8) 1,386 workyears for the Office of Administration and Resource Management.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 122 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "The Administrator shall establish, within 60 days of enactment of this Act, a new staff of 5 workyears within the Immediate Office of the Administrator, which shall be responsible for guiding, directing, and mediating all policy activities associated with Pollution Prevention. The Pollution Prevention Policy Council shall be chaired by the Deputy Administrator".

Resolved, That the House receded from its disagreement to the amendment of the Senate numbered 133 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided*, That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1992, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriation Acts"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 146 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the National Aeronautics and Space Administration shall not exceed: (1) 51 staff years for the Office of the Administrator; (2) 117 staff years for the Office of the Comptroller; (3) 56 staff years for the Office of Commercial Programs; (4) 191 staff years for the Office of Headquarters Operations; (5) 30 staff years for the Office of Equal Opportunity Programs; (6) 43 staff years for the Office of the General Counsel; (7) 132 staff years for the Office of Procurement; (8) 4 staff years for the Office of Small and Disadvantaged Business Utilization; (9) 33 staff years for the Office of Legislative Affairs; (10) 520 staff years for the Office of Space Flight, including Level I and Level II Activities for the Space Station; (11) 210 staff years for the Office of Management; (12) 62 staff years for the Office of Space Operations; (13) 64 staff years for the Office of Public Affairs; (14) 183 staff years for the Office of Safety and Mission Quality; (15) 172 staff years for the Office of Aeronautics, Exploration and Technology; (16) 288 staff years for the Office of Space Science and Applications; and (17) 77 staff years for the Office of External Relations: *Provided*, That the Administrator may reorganize these offices and reallocate the staff years among these offices as long as the aggregate number of staff years at NASA Headquarters does not exceed 2,220 staff years: *Provided further*, That no funds may be used from amounts provided in this or any other Act for details of employees from any organization in the National Aeronautics and Space Administration to any organization included under the budget activity "Research and Program Management," except those details which involve developmental or critical staffing assignments: *Provided further*, That, of the amount provided for "Research and Program Management," up to $675,722,000 may be transferred to "Research and Development" and "Space Flight, Control and Data Communications," and of this amount such sums as may be necessary are provided for the lease, hire, maintenance and operation of mission management aircraft: *Provided further*, That the funds made available in the preceding proviso may only be used for the purpose of operations of facilities: *Provided further*, That, notwithstanding any provision of this or any other Act, not to exceed an additional $100,000,000 may be transferred or otherwise made available, using existing or future authority, to the National Aeronautics and Space Administration in fiscal year 1992 from any funds appropriated to the Department of Defense and such funds may only be provided to the "Space flight, control and data communications" appropriation: *Provided further*, That

the limitation in the immediately preceding proviso shall not apply to funds transferred or otherwise made available under existing reimbursement arrangements.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 150 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert "$1,879,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 151 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For necessary expenses in carrying out an academic research facilities and instrumentation program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $33,000,000, to remain available until September 30, 1993.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 156 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided further*, That up to $9,000,000 may be transferred to and merged with funds made available under "United States Antarctic Research Activities": *Provided further*, That notwithstanding section 104 of the National Science Foundation Authorization Act of 1988 (Public Law 100–570), no funds appropriated to the National Science Foundation under this Act may be transferred among appropriations accounts.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 162 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided*, That of the new budget authority provided herein, $5,000,000 shall be for the purpose of providing local neighborhood revitalization organizations revolving homeownership lending capital, and equity capital for affordable lower-income rental and mutual housing association projects, to remain available until September 30, 1994: *Provided further*, That the $5,000,000 shall be available for obligation to Neighborhood Reinvestment Corporation in quarterly payments of $625,000 beginning with September 1 of fiscal year 1992"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 164 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

The Office of Inspector General of the Resolution Trust Corporation shall review by September 30, 1993, each of the agreements described in section 31(A)(b)(11)(B) of the Federal Home Loan Bank Act and determined whether there is any legal basis sufficient for a rescission of the agreement, including but not limited to, fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for rescission of the agreement. After such review has been completed, and based upon the information available to the Inspector General, the Inspector General shall certify its findings to the Resolution Trust Corporation and to the Congress: *Provided*, That any agreement which has been renegotiated and certified pursuant to section 518(b) of this Act may be excluded from further review under this provision based upon a review by the Inspector General of the appropriate evidence, and a determination that the government has achieved significant and substantial savings as a result of the renegotiation: *Provided further*, That the Inspector General report the basis for the exclusion in writing to Congress prior to any exclusion of further review under this provision.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 168 to the aforesaid bill, and concur therein with an amendment as follows:

At the end of the matter inserted by said amendment, insert:

(d) The provisions of this section shall be effective until (1) enactment into law of legislation concerning the price of drugs and biologicals paid by the Department of Veterans Affairs or (2) June 30, 1992, whichever first occurs.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 172 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 521. Notwithstanding any provision of this Act, none of the funds appropriated or otherwise made available by this Act or by any other Act may be used to move Federal Housing and Urban Development offices from downtown Jacksonville, Florida, (as defined by the Downtown Development Authority of Jacksonville) or to finance the operation of such Federal Housing and Urban Development offices in any area of Florida other than the downtown area of Jacksonville, Florida (as defined by the Downtown Development Authority of Jacksonville).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 174 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 526. ESTABLISHMENT OF REGIONAL OFFICE.—The President may establish within the Environmental Protection Agency an eleventh region, which will be comprised solely of the State of Alaska, and a regional office located therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 175 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 527. EXTENSION OF PERIOD APPLICABLE TO SINGLE FAMILY HOUSING.—(a) IN GENERAL.—Section 21A(c)(2)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(2)(B)) is amended by striking "3-month" each place it appears and inserting "3-month and one week".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to eligible single family properties acquired by the Resolution Trust Corporation on or after the date of enactment of this Act.

AMENDMENT NO. 1250 TO HOUSE AMENDMENT TO SENATE AMENDMENT NO. 21

(Purpose: To assure full and complete compliance by Department of Veterans Affairs laboratories of quality assurance standards mandated by the Public Health Service Act)

Ms. MIKULSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 1250 to the amendment of the House to the amendment of the Senate No. 21.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed by the amendment of the House to the amendment of the Senate numbered 21, insert the following:

SEC. 101. (a) REGULATIONS FOR STANDARDS OF PERFORMANCE IN DEPARTMENT OF VETERANS AFFAIRS LABORATORIES.—(1) Within the 120-day period beginning on the date on which the Secretary of Health and Human Services promulgates final regulations to implement the standards required by section 353 of the Public Health Service Act (42 U.S.C. 263a), the Secretary of Veterans Affairs, in accordance with the Secretary's authority under title 38, United States Code, shall prescribe regulations to assure consistent performance by medical facility laboratories under the jurisdiction of the Secretary of valid and reliable laboratory examinations and other procedures. Such regulations shall be prescribed in consultation with the Secretary of Health and Human Services and shall establish standards equal to that applicable to other medical facility laboratories in accordance with the requirements of section 353(f) of the Public Health Service Act.

(2) Such regulations—

(A) may include appropriate provisions respecting waivers described in section 353(d) of such Act and accreditations described in section 353(e) of such Act; and

(B) shall include appropriate provisions respecting compliance with such requirements.

(b) REPORT.—Within the 180-day period beginning on the date on which the Secretary of Veterans Affairs prescribes regulations required by subsection (a), the Secretary shall submit to the appropriate Committees of the Congress a report on those regulations.

(c) DEFINITION.—As used in this section, the term "medical facility laboratories" means facilities for the biological, micro-biological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other physical examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

Ms. MIKULSKI. Mr. President, I want to bring to the Senate's attention that the amendment does the following things: No. 1, it clarifies that the clinical lab standards issued by the VA must equal those required under HHS regulations; and No. 2, it tells the VA

Secretary to report on its implementation of these regulations.

I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1250 to House amendment to Senate amendment No. 21) was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid on the table.

Ms. MIKULSKI. Mr. President, we are in the closing hours of this Senate's meeting this week. I wanted to just take a few minutes to talk about what we just did. The U.S. Senate has just adopted the VA-HUD and independent agencies bill. I want to thank my ranking minority member for the cooperation he has given me in fashioning legislation that I think will meet the needs of veterans, housing, the environment, as well as our space program.

We had a list of three priorities: what we "must do"; what we "should do"; and what we would "like to do." We have done our best to fund those items on the "must do" list. We got to some of the items on the "should do" list. But I would be less than honest with my colleagues if I said that the legislation contained everything I would "like to do."

Mr. President, there is an enormous challenge facing this country on how we can meet those needs but I believe that veterans, those who find the need for housing, those who wish to protect our environment, those who protected our country, and those who are doing the scientific explorations for our country both as astronauts and those working in laboratories will feel that this subcommittee did its job.

I would like to think my staff for its cooperation, and the cooperation of the ranking minority staff for what we were able to do.

Mr. President, before I yield to the ranking minority member, I must clarify what we have just done however on the amendment in disagreement.

The House offered to the Senate an amendment of disagreement because they believed the VA should be in a position to police themselves on the quality in labs. It was the Senate's thrust that VA should follow explicitly the same rules and regulations of the private sector hospitals. Unfortunately, we got into a very prickly parliamentary situation.

But, Mr. President, I do not want to hold up the VA-HUD bill because of the internal politics of the House of Representatives and the U.S. Senate. A fiscal year has begun, and I believe we needed to get our money out to make sure that our space program was working, that we were going to meet the needs of the homeless, and that we were going to make sure that money was going into the VA hospitals for those personnel, doctors, and physicians whom I salute.

But I believe that the chairman of the House authorizing committee was mislead by the head of the VA medical care system. The gentleman who chairs the VA authorizing committee is indeed an extraordinary person. He was a general in our Armed Forces. He is a war hero. He wants to do best for what is there for the veterans.

But I will tell you the person who chairs the VA medical system wanted VA medical care to be exempted from the clinical laboratory standards that we now intend to hold to the private sector. This is the same medical care operation that presided over the horror stories that we saw at Cleveland Hospital where it resulted in terrible injury, deaths in a Chicago hospital, and in a Boston hospital where female patients were not given the VA mandated Pap smears and mammograms.

I was deeply disappointed at the way the VA bureaucracy tried to manipulate the processes of this institution. I am not going to get into temper-tantrum politics here. Our veterans deserve more than yellow ribbons. This is one Senator that is going to make sure that they get it.

But I will tell you, I pledge to the veterans of the United States of America that I will do all in my power to see to it that the clinical laboratories of the VA are up to the same duty as the men and women of our armed services. And I will have more to say about the VA bureaucracy at another time.

I am sorry we have had to come to a prickly relationship on this. But right now I am proud of the bill. I am willing to do the compromise because I will tell you: I want to make sure that we meet the high tech needs of the United States of America. This bill has done it. I am proud to Chair it.

I look forward to hearing the remarks from our ranking minority member.

Mr. GARN. Mr. President, I ask unanimous consent that the Senate concur in the House amendment as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN HAITI

Mr. KERRY. Mr. President, a little while ago the Senate adopted a resolution regarding the situation in Haiti by a vote of 97 to 0. It is obviously a broad statement about how we feel about Haiti. I wanted to take a minute if I may to suggest to colleagues and particularly to the administration that a resolution such as we have just agreed to is really only scratching at the surface of what needs to be done with respect to the situation in Haiti.

The U.S. Senate adopting the resolution today is an important statement, but that is all it is. It is a statement. It is not enough. I have heard some people in the public and also some here in the Senate suggest that what has happened in Haiti could conceivably be of little consequence to the United States. They view it as perhaps just another chapter in the sad history of a country that seems to be impossible to govern.

And they may view it as something that is regrettable, but also as something about which there is very little that the United States can really do. So, for many of these people, the passing of the resolution might be the end of the exercise.

I want to respectfully suggest—and I personally believe very deeply—that there is a very different view of the importance of what has happened in Haiti, and I believe that the coup directly threatens very real interests of the United States, not only because United States citizens are there—and that is of concern—but, also, importantly, because of the potential message that this coup sends elsewhere in the hemisphere at a time when most of us have been hoping that democracy is really on its road in this hemisphere.

I particularly think quickly of the message that might be sent up to Guatemala or El Salvador. This coup in Haiti is a body blow to democratic ideals, and to the aspirations of the people of Haiti and, indeed, the people of this hemisphere. The most recent elections were the fairest and the freest in the history of Haiti.

Father Aristide is perhaps the most popular political leader in Haitian history. And unless we take steps to help to ensure—not to ensure on our own, but to help to ensure his return to power, then I am convinced we will encourage every two-bit, would be dictator in the hemisphere to think seriously about the prospect of overturning democracy, thereby, testing our own resolve and our own willingness to back up democratic rhetoric with effective action.

Mr. President, there are both humanitarian and historical reasons why this coup cannot be allowed to prevail. The United States does not have a proud record or a proud history in Haiti. We did not recognize the independence of Haiti for almost 60 years, because we were a slave-holding country, and Haiti was a republic founded by former slaves.

Early in this century, we sent in marines, not to help Haiti, but fundamentally to protect the economic interests of American companies. Later, we learned to live with, and even support, the brutal regimes of "Papa Doc" Duvalier and his notorious son.

In recent years, we have assured the Haitian people that those days are past, and we have told them we are going to do all we can to support real freedom in their country. I think this is a moment of truth for that commitment and, most important, it is a moment of truth for that commitment close to home, not many thousands of miles away in the desert, or even in the Far East.

During the past couple of days, I have heard some people say, "Well, do not worry. The Haitian people will not allow this coup to stand. They are going to take to the streets, and the military will eventually have to give in."

Well, Mr. President, maybe that is correct. I did not know the answer to that. But I think we ought to stop and ask ourselves, if that is true, how many Haitians are going to have to die for that freedom before the freedom is restored? We have to remember that the Haitian people have really paid an extraordinary price of tyranny over and over again with their bodies, blood, and lives. We really cannot, in good conscience, simply sit back and wait for them to take this matter into hand.

So I do not accept the view of some that what is happening in Haiti is simply an internal matter. The survival of democracy is of international concern. We have so stated over and over again. The preservation of human lives is far more important than any international boundary.

I congratulate the administration for terminating aid to Haiti, and for seeking an emergency meeting of the foreign ministers of the OAS. That is a correct step to take, initially, but it is only an initial step. There is more.

I suggest, Mr. President, that first we must see to it that the prohibitions on aid to the new regime are fully enforced and are supported around the world with the same kind of energy that we attempted to do so with respect to Iraq. The sanctions should apply, not only to direct aid, but to trade in weapons, petroleum, vehicles and any other products that have significant military value.

Second, we should take steps to freeze any and all assets belonging to the Government of Haiti that are in the United States, and seek international support to freeze assets that may be located elsewhere around the world. The military should simply not be allowed to plunder the very limited resources of the Haitian people during this interval.

Third, we should consult with Father Aristide who, I understand, will be here tomorrow for the purpose of developing a plan for further actions leading to his return to power. With his concurrence, and with the example of the Persian Gulf in mind, we should, in fact, make it clear to the military in Haiti that the international community intends to restore democratic rule by any means necessary. That means we should also be willing to consider the use of force, which has been used previously, but this time, similar to the way we did in bringing order out of chaos in Granada, or to arrest General Noriega, or even to remove a dictatorship in Kuwait; that is something that should be considered.

I am not suggesting that it should be used immediately. But clearly, the Government of Haiti—the legitimate government—should know that our country is willing to place that option on the table. And, most important, the military thugs in Haiti should understand the willingness of the world to begin that consideration. Experts will decide precisely exactly when and how force might best be applied. But the message to the coup leaders in Haiti has to be clear, and it has to be decisive: You can give up now, or you can give up later, but you will give up.

Fourth, we ought to support an international response to the coup, not only in the regional forum of the OAS, as the administration has commenced, but in the Security Council of the United Nations, as well.

Finally, Mr. President, I might add that we here in the United States, in the wake of this, ought to really review the events leading up to the coup, and consider whether or not we have experienced one more failure of intelligence, and whether or not there might have been steps that we could have taken prior to this happening in order to prevent it from happening.

In closing, what we did earlier is important, but it is only a first step. It is vital that we have the administration articulate a concerted plan of action aimed at restoring democratic rule in Haiti. If ever a country deserved a chance to build, grow, and prosper, it is Haiti. If ever a people deserve the opportunity to live the freedom they have waited for, it is in Haiti. And if ever a nation deserved help in that effort, considering the other nations that we have helped, which have, frankly, been less deserving because of their less concerted efforts to develop democracy, then that country that deserves the help is Haiti.

This is not an issue that has two sides. And if what is happening in Haiti today is not wrong, then I do not think anything can be judged to be wrong. I think we all understand that, and I hope the President will move with the same authority and with the same skill that he and Secretary Baker did on a number of other issues that have been of equal concern, in order to try to send this message very firmly and clearly to restore democracy in Haiti.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

SANCTIONS AGAINST SERBIA

Mr. DOLE. Mr. President, I rise today in support of the legislation imposing restrictions on United States assistance to Serbia and imposing a trade embargo against Serbia, introduced by the distinguished Senator from New York [Mr. D'AMATO]. A war has been raging in Croatia since June, when Croatia declared its independence—over 1,000 people have died. And, there are signs that this war could spread to Bosnia-Hercegovina. In the Province of Kosova, a silent war has been underway for almost 3 years. During that time, the 2 million Albanians in Kosova have lived under marital law—they have lost their jobs, their schools, their rights and their lives.

There is no doubt that the hardline President of the Republic of Serbia is responsible for the tragic situation in Kosova and that he is orchestrating the war against Croatia. Our State Department and the European Community have clearly indicated that he is actively supporting and encouraging the use of force in Croatia by Serbian militants and the Yugoslav military.

Mr. President, it is high time that we take the necessary steps to end the inhumane aggression perpetrated by Serbian President Milosevic.

Our Government must get off the fence, and get on the right side—the side of freedom—in Yugoslavia.

America needs to do what is right and to stand on the side of democracy, human rights and self-determination.

And I am here today because I believe that this bill puts us on the right side—and does so not just with words, but with action.

In recent months, we have seen countless pictures of bombed buildings, crying mothers, and families fleeing into bomb shelters.

Last year, I saw that same suffering in the streets of Pristina—I saw the undeniable signs of a police state: People being beaten by police and dragged away to certain persecution in the overflowing prisons of Kosova.

I saw tear gas used against those Albanians whose only crime was waiting outside their offices and apartments to wave at Americans.

And, having seen this brutal reality firsthand and upclose, I returned to the United States and sounded the warning that Milosevic's violent aggression in Kosova would not only worsen, but would spread to other areas of Yugoslavia—unless the United States and Europe took action.

Few heeded this warning. Some said that communism was dead in Eastern Europe—and that it was only a matter of time before Milosevic and communism were swept away in Yugoslavia.

Those people were wrong. Milosevic has outlasted the rest of the Communists in Eastern Europe. And, despite the collapse of the coup in the Soviet Union, Milosevic still clings on to power as we watch and do nothing.

Milosevic's brand of hardline Communist aggression does not discriminate between Slovenian cities, Croatian ports, Bosnian towns and Hungarian villages. It does not discriminate between barracks, apartment houses, hospitals, elementary schools, and churches. Nor does it discriminate between Slovenian soldiers, Albanian women and Croatian children. All are targets in Milosevic's war. And, all are threatened by his inhumane plan to conquer land and enslave people in the name of a "Greater Serbia."

Milosevic and his allies in the Yugoslav army must be stopped. They can be stopped if the United States steps forward to assume leadership in this crisis which threatens peace and stability in central Europe.

The United States needs to isolate the Government of Serbia the way we isolated Cuba. Senator D'AMATO'S legislation does exactly that.

Mr. President, this bill makes it perfectly clear that there will be no United States assistance and no economic benefits for Serbia until Milosevic stops waging war on Kosova, on Croatia on Bosnia and on his own people. The U.S. Congress will not accept the use of force to change the internal borders of Yugoslavia or to resolve political differences. Nor will be tolerate the continued and systematic abuse of human rights in Kosova, Vojvodina or even in Serbia.

Mr. President, this bill moves beyond diplomatic hand-wringing. It takes serious measures and puts the pressure on Milosevic to stop his war against the Albanians, the Croations, the Bosnians, and all other people in Yugoslavia who want freedom and democracy.

Mr. President, I hope that the Senate will act expeditiously on this legislation. Lives are at stake, democracy is at stake and, freedom is at stake.

(Mr. FORD assumed the chair.)

FAMILY AND MEDICAL LEAVE ACT

Mr. DOLE. Mr. President, I would just add also, on the family and medical leave bill that passed, I want to commend all of my colleagues. I think we did work out an agreement where people were able to express themselves.

As I said earlier, I think the bill was slightly improved by the amendment of the Presiding Officer, along with Senator BOND and Senator COATS. But I do not believe that this bill will become law. In fact, I am encouraged that we will have enough votes in the Senate to sustain a veto. I understand the Senate will act first. And unless I have miscounted our unless somebody has a change of heart—unless the bill fails to pass the House; that is something else that could happen, because last year there were 195 votes in the House against the measure. But if it should somehow slip through the Senate, the veto not being sustained, I am certain the House would sustain a veto.

Again, maybe next year or the following year, we can find some way to address this problem without taxing American business and without additional mandates. We have mandates. We have all voted for mandates. I think businessmen and women are telling us now they have had it up to here.

I had a couple of my colleagues before the vote say they will vote to sustain a veto. Those two votes, and I know there are possibly two or three other votes, would certainly be enough to sustain a veto.

Again I commend my colleagues, who were able to dispose of this bill because of cooperation. All sides got together after several hours of discussion yesterday and agreed on a procedure so that there could be a full debate and discussion, and then a final disposition of the measure.

Mr. President, I yield the floor.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,391st day that Terry Anderson has been held captive in Lebanon.

LOAN GUARANTEE LEGISLATION FOR ISRAEL

Mr. DODD. Mr. President, I rise today to offer my strong support for the legislation introduced today by the senior Senator from Hawaii [Mr. INOUYE] and the senior Senator from Wisconsin [Mr. KASTEN]. I want to commend them for their dedication to this important issue and their hard work in crafting such a fine piece of legislation.

At the outset, Mr. President, let me make absolutely clear what this program does. Contrary to popular opinion, this is not a cash grant to Israel. Contrary to popular opinion, this is not a direct loan to Israel. All we are doing with this legislation is telling private, commercial lenders around the world that if they loan money to Israel, we will offer the full faith and credit of the U.S. Government behind those loans.

At its core, Mr. President, this is nothing more than a self-help measure. We are simply letting Israel know that if she can find the creditors, we will guarantee repayment. And I would point out that in all of her 43 years, Mr. President, Israel has never missed a loan payment. If she pays back these loans, the total cost to the U.S. taxpayer will be zero.

Mr. President, the idea of loan guarantees for Israel is one that I have long supported. In fact, it was almost 3 months ago that I stood on this floor and called on the administration to support this program. At the time, I had hoped the administration would see fit to support this program without attempting to link it to the settlements in the occupied territories.

Since then, Mr. President, I have been sorely disappointed, not only with the prime-time television address made by President Bush not too long ago but with all the administration's statements on the issue. The President's strategy is apparent: he clearly seeks to use the bully pulpit of his office to intimidate and manipulate the Government of Israel.

I have no doubt the President is acting with noble intentions in this matter. I know he holds a legitimate desire to bring a peaceful solution to this long-running conflict. But sometimes I wonder if the administration truly appreciates what is at stake here.

The administration seems to believe there is an organic connection between settlements in the occupied territories and humanitarian aid to the refugees. The administration apparently thinks we can end the Arab-Israeli conflict, indeed we can do away with a millenium of cultural animosity, if only we can put a halt to the settlements. The administration has somehow come to the bizarre conclusion that cutting humanitarian assistance for needy refugees is the key to peace.

It is a concept only George Orwell could appreciate. More than that, Mr. President, it is a recipe for failure.

I stood here 3 months ago and said it then, and I will repeat it this morning: if the President really believes the refugees are the key to a geopolitical solution, I would like to see him try to explain it to them.

Seventeen years ago, the Jackson-Vanik amendment to the Trade Act of 1974 called on the Soviet Union to let down her borders and allow her people to emigrate. Seventeen years ago, we made the principle of free emigration, the right of people to live anywhere in the world they choose, one of the cornerstones of our foreign policy.

Now that the barriers to emigration are coming down, during the next 5 years over one million Jews will leave

the former Soviet Union. And most of them, Mr. President, will choose to live in Israel.

I'd like to see how the President would explain to these refugees, the ultimate realization of the Jackson-Vanik dream, that we will link humanitarian aid to the settlement issue. That we will make them pawns in a dispute they did not create and want no part in. That we will hold them hostage to a dispute that runs so deep, Mr. President, that there ancient religion claim the city of Jerusalem as their birthplace.

For decades, Mr. President, these refugees dreamed of the day they could come to Israel, where they could finally enjoy economic and political liberty. What a bitter irony it would be if, after so many years of encouraging that dream, we would cruelly snatch it away. And by denying these refugees the means to acquire the most basic of sustenance, that is exactly what we would be doing. Make no mistake about it. That's what linkage is really about.

Mr. President, I don't like the settlements in the occupied territories any more than anybody in this Chamber. I recognize that these settlements must some day end if there is to be lasting peace in the region. And frankly, I understand the administration's frustration over the issue. Sometimes I wonder if the Shamir government wouldn't make it a lot easier on all of us if it would simply declare a temporary halt to the settlements.

But let's not forget that, as we speak, the Arabs continue to impose a total economic boycott on Israel. And even as we speak, none of the Arab nations besides Egypt has even accepted the right of Israel to live within secure borders. Mr. President, if these are issues for the peace conference, then surely the settlements must be as well. At the very least, we should await the outcome of these face to face negotiations before using the refugees in a deadly game of geopolitical chicken.

Mr. President, it was half a century ago that the Western World shamefully closed her borders to the helpless victims of the murderous Nazi regime. Embodied in the Jackson-Vanik amendment, Mr. President, is a promise. It is a promise that never again will the West stand idly by as an entire society falls victim to brutal genocide. And it is a promise that we will support the right of the Jewish people to make a new home in Israel.

With this loan guarantee program, we take one step further toward fulfilling that promise. And in my view, we take one step further toward bringing true peace to the region. For the sake of humanity, I call on the President to support this legislation.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, and in consultation with the Republican leader, pursuant to Public Law 101-557, appoints the Senator from Arkansas [Mr. PRYOR] and the Senator from Florida [Mr. MACK] to the Task Force on Aging Research.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from Hawaii [Mr. AKAKA] as a member of the Senate delegation to the Fall Interparliamentary Union Meeting, to be held in Santiago, Chile, October 7-12, 1991.

AUTHORIZATION FOR CERTAIN PROGRAMS FOR THE CONSERVATION OF STRIPED BASS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 241, H.R. 2387, regarding the conservation of striped bass.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2387) to authorize appropriations for certain programs for the conservation of striped bass, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise today to discuss legislation to conserve and manage South Carolina's State fish, the striped bass. H.R. 2387, the Striped Bass Act of 1991, authorizes funding through fiscal year 1994 for the Atlantic Striped Bass Conservation Act and for striped bass research under the Anadromous Fish Conservation Act. The bill also extends and strengthens Federal authority to bring states into compliance with interstate efforts to manage the striped bass fishery. Finally, the bill authorizes the Secretaries of Commerce and the Interior to enter into cooperative agreements to improve the effectiveness of management efforts.

Striped bass is a catch prized by both recreational and commercial fishermen all along the Atlantic coast. Like salmon, this fish typically spends most of its adult life in marine waters, returning to fresh waters to spawn. Migrating along our eastern shores from New England to the South Atlantic, stocks of striped bass return each spring to lay their eggs in the rivers and tributaries of the Chesapeake Bay. In addition, a land-locked population was discovered in the Santee-Cooper Lakes of South Carolina in the midfifties.

The life history of striped bass makes them vulnerable to two human threats—overfishing and coastal pollution. Each year as stripers move along the coast, they swim through an obstacle course of eager recreational and commercial fishermen. Those fish that make it to the Chesapeake then face shrinking and often polluted spawning areas. In 1979, responding to concern over the stock's condition, Congress initiated an Emergency Striped Bass Research Study under the Anadromous Fish Conservation Act. Over the years, the study provided information for managing the striped bass fishery. However, despite management efforts, commercial fishery landings continued to drop. By the mideighties, striped bass seemed well on their way to becoming yet another case study of man's inability to use marine resources wisely.

In 1984, the seriousness of the situation led Congress to enact the Atlantic Striped Bass Conservation Act. This Act called for Federal-State cooperation in implementing and enforcing an interstate fishery management plan for striped bass developed by the Atlantic States Marine Fisheries Commission. Under the act, the interstate plan established guidelines for State regulation of striped bass harvests in coastal waters. State regulatory and enforcement programs then became subject to an annual review by the Commission to determine whether they met the plan guidelines. Finally, those States which failed to comply with the plan faced a Federal moratorium on striped bass fishing in their coastal waters.

Today, as a result of these tough measures, striped bass stocks appear to be recovering. The abundance of young fish is on the increase, and cooperative management among the States is improving. But while recent scientific evidence has created cautious optimism among fishery managers about the future of striped bass, sustained recovery is still far from certain and will require continued State commitments to a conservative management regime.

Looking back over the past decade, the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act have proven their effectiveness in furthering cooperative management of this complex fishery. Both acts must be extended if we are to ensure that such cooperation continues. Enactment of the Striped Bass Act of 1991 would accomplish that legislative task. Thus, I urge my colleagues to support the bill's passage.

Mr. KERRY. Mr. President, I rise today in support of the Striped Bass Act of 1991.

Striped bass is an important recreational and commercial species for

Massachusetts and other States from Maine to North Carolina. A decade ago, the fishery was estimated to add about $200 million to the economy in the New England and Mid-Atlantic regions. However, increasingly fishing effort beginning in the 1970's resulted in rapidly declining stocks. Stringent management and conservation efforts now appear to be reversing this decline. It is essential that these efforts continue until the stock is fully restored.

The Atlantic States Marine Fisheries Commission is responsible for developing interstate plans for managing striped bass and other coastal fisheries. The purpose of the Commission is to coordinate State efforts for species that are interjurisdictional, in recognition of the need to manage fish stocks over their full range. The interstate plans provide guidelines for State fishing regulations.

The bill that we are considering today will enhance cooperative efforts to manage striped bass in the Atlantic. It allows the Secretary of Commerce to impose and enforce a moratorium on striped bass fishing in any State in which existing management efforts are insufficient to restore stocks. It also authorizes cooperative agreements between the Commission and the Secretaries of Commerce and Interior. Finally, this legislation authorizes funding that will provide the information that is needed to properly manage this important fishery.

It has been suggested that this cooperative management approach be expanded to other coastal fisheries. The possibility of this is being explored by the Atlantic States Marine Fisheries Commission and we may consider taking future action based on their recommendations.

In addition, I will be working in the future to see that the Commission has the needed resources not only to manage these fisheries resources, but also to assure that State monitoring and enforcement efforts are adequate.

The PRESIDING OFFICER. The bill is deemed read the third time and passed.

Mr. MITCHELL. I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DRUG ABUSE PREVENTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3259 relating to drug abuse prevention just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3259) to authorize appropriations for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Without objection, the bill is deemed read a third time and passed.

The bill (H.R. 3259) was deemed read a third time and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 4:06 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2935. An act to designate the building located at 6600 Lorain Avenue in Cleveland, Ohio as the "Patrick J. Patton United States Post Office Building"; and

S.J. Res. 78. Joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

At 5:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. —. A concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 868.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2519) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 6, 10, 14, 28, 29, 30, 34, 49, 53, 71, 73, 74, 75, 76, 78, 80, 81, 85, 89, 92, 98, 106, 123, 124, 131, 139, 142, 147, 148, 153, 159, and 173 to the bill; and it recedes from its disagreement to the amendments of the Senate numbered 4, 5, 9, 20, 21, 25, 26, 35, 36, 37, 40, 58, 67, 70, 72, 77, 79, 95, 107, 111, 112, 119, 121, 122, 133, 146, 150, 151, 156, 162, 164, 168, 172, 174, and 175 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 707) to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on government boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following as managers of the conference on the part of the House:

From the Committee on Agriculture, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. ENGLISH, Mr. STAGGERS, Mr. STALLINGS, Mr. NAGLE, Mr. SARPALIUS, Mr. JOHNSON of South Dakota, Mr. HUCKABY, Mr. GLICKMAN, Mr. PENNY, Mr. ESPY, Ms. LONG, Mr. STENHOLM, Mr. TALLON, Mr. COLEMAN of Missouri, Mr. SMITH of Oregon, Mr. GUNDERSON, Mr. COMBEST, Mr. ALLARD, Mr. BARRETT, Mr. NUSSLE, Mr. BOEHNER, and Mr. ROBERTS.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of section 263 and title III of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. ANNUNZIO, Mr. NEAL of North Carolina, Mr. HUBBARD, Mr. LAFALCE, Ms. OAKAR, Mr. WYLIE, Mr. LEACH, Mr. MCCOLLUM, and Mrs. ROUKEMA.

As additional conferees from the Committee on Energy and Commerce, for consideration of section 263 and

title III of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mr. SCHEUER, Mr. SYNAR, Mr. ECKART, Mr. SLATTERY, Mr. LENT, Mr. RINALDO, Mr. MOORHEAD, and Mr. RITTER.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 238. An act for the relief of Craig A. Klein;

H.R. 454. An act for the relief of Bruce C. Veit;

H.R. 478. An act for the relief of Norman R. Ricks;

H.R. 590. An act for the relief of Edgardo, Ismael, Juan Carlos, and Edilliam Cotto Roman;

H.R. 655. An act for the relief of Juan Luis, Braulio Nestor, and Miosotis Ramirez; and

H.R. 1279. An act for the relief of Charlotte S. Neal.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 209. A concurrent resolution congratulating the Government and people of Greece and the municipal government and people of Athens; on the occasion of the 2,500th anniversary of the establishment of democracy in the city of Athens.

The message also announced that pursuant to the authority granted on September 16, 1991, the Speaker makes the following modifications in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendments of the Senate to H.R. 2100, to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

The panel from the Committee on Energy and Commerce is also appointed for consideration of section 817 of the House bill, and section 826 of the Senate amendments. Delete section 3134 of the Senate amendments from the appointment.

The panel from the Committee on Foreign Affairs is also appointed for consideration of section 904 of the Senate amendments.

The panel from the Committee on the Judiciary is also appointed for consideration of section 3131(e)(5) of the Senate amendments.

The panel from the Committee on Public Works and Transportation is also appointed for consideration of section 2801(g) of the Senate amendments.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 804 and 807 of the Senate amendments, and modifications committed to conference: Mr. CARPER, Mr. LAFALCE, Ms. OAKAR, Mr. VENTO, Mr. KANJORSKI, Mr. RIDGE, Mr. PAXON, and Mr. HANCOCK.

The message further announced that pursuant to the provisions of section 491 of the Higher Education Act, as amended by section 407 of Public Law 99-498, the Speaker reappoints Mr. Joseph L. McCormick of Austin, TX, as a member from private life of the Advisory Committee on Student Financial Assistance on the part of the House.

The message also announced that pursuant to the provisions of section 101(b) of Public Laws 99-500 and 99-501, the Speaker recommends Mr. SISISKY and Mr. ALLARD to the James Madison Memorial Fellowship Foundation on the part of the House.

The message further announced that pursuant to section 2702(a)(1)(B)(ii) of title 44, United States Code, the minority leader appoints Dr. John J. Kornacki of Pekin, IL, as a member from private life of the Advisory Committee on the Records of Congress on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 238. An act for the relief of Craig A. Klein; to the Committee on the Judiciary.

H.R. 454. An act for the relief of Bruce C. Veit; to the Committee on the Judiciary.

H.R. 478. An act for the relief of Norman R. Ricks; to the Committee on the Judiciary.

H.R. 590. An act for the relief of Edgardo, Ismael, Juan Carlos, and Edilliam Cotto Roman; to the Committee on Labor and Human Resources.

H.R. 655. An act for the relief of Juan Luis, Braulio Nestor, and Miositis Ramirez; to the Committee on Labor and Human Resources.

H.R. 1279. An act for the relief of Charlotte S. Neal; to the Committee on Armed Services.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 209. A concurrent resolution congratulating the Government and people of Greece and the municipal government and people of Athens; on the occasion of the 2,500th anniversary of the establishment of democracy in the city of Athens; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

S. 962. A bill 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 (Rept. No. 102-168).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD:

S. 1792. A bill directing the Secretary of the Army to develop and implement a plan for modifying the channel bypass element of the Levisa Fork, Kentucky, for the purpose of water quality improvement in and restoration of Pikeville Lake, Kentucky; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself, Mr. DOLE, Mr. GLENN, Mr. PELL, Mr. GORE, Mr. NICKLES, Mr. PRESSLER, Mr. RIEGLE and Mr. SEYMOUR):

S. 1793. A bill to restrict United States assistance for Serbia or any part of Yugoslavia controlled by Serbia until certain conditions are met, and for other purposes; to the Committee on Foreign Relations.

By Mr. SANFORD:

S. 1794. A bill to suspend for a three-year period the duty on ethyl 2-keto-4-phenylbutanoate, also known as keto ester; to the Committee on Finance.

S. 1795. A bill to continue for a three-year period the suspension of duties on Trifluoroacetyl-L-Lysine-L-Proline in free base and tosyl salt forms, also known as Tfa Lys Pro in free base and tosyl salt forms; to the Committee on Finance.

S. 1796. A bill to suspend for a three-year period the duty on (S)-1-{N2-(1-carboxy-3-phenylpropyl)-L-lysyl}-L-proline dihydrate, also known as lisinopril; to the Committee on Finance.

By Mr. DIXON:

S. 1797. A bill to suspend temporarily the duty on 3, 4, 4'-trichlorocarbanilide; to the Committee on Finance.

By Mr. CRANSTON (by request):

S. 1798. A bill to amend section 3413 of title 12, United States Code, to add an exception authorizing financial institutions to disclose to the Department of Veterans' Affairs the names and current addresses of their customers who are receiving payments, by direct deposit or Electronic Funds Transfer into their accounts, of compensation, Dependency and Indemnity Compensation or pension benefits under title 38, United States Code; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG:

S.J. Res. 209. A joint resolution designating the month of March 1992 as "National Computing Education Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY:

S. Con. Res. 67. A 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 Finance.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. Con. Res. 68. A concurrent resolution expressing the sense of the Congress relating to encouraging the use of paid leave by working parents for the purpose of attending parent-teacher conferences; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. DOLE, Mr. GLENN, Mr. PELL,

Mr. GORE, Mr. NICKLES, and Mr. PRESSLER):

S. 1793. A bill to restrict United States assistance for Serbia or any part of Yugoslavia controlled by Serbia until certain conditions are met, and for other purposes; to the Committee on Foreign Relations.

SANCTIONS AGAINST YUGOSLAVIA

• Mr. D'AMATO. Mr. President, I rise today along with Mr. PELL, Mr. DOLE, Mr. GLENN, Mr. NICKLES, Mr. PRESSLER, and Mr. GORE to introduce legislation imposing sweeping United States economic sanctions against Serbia and all parts of Yugoslavia under Serbian control.

The massacre being undertaken by Communist dictator Slobodan Milosevic and Serbian guerrillas against the innocent citizens of Croatia, Slovenia, and Bosnia is unconscionable. And, we all know about the repression of 2 million Albanians in Kosova, who have suffered under martial law for over 2½ years.

Over 1,000 Croatian citizens have been killed. Over 100 Slovenians have been killed. Foreigners have been killed. Churches have been bombed. Reports indicate that even chemical weapons have been used on several occasions. Over 100,000 people have been displaced. Mr. President, how long can the United States stand on the sidelines? How long can we watch the killings, the tortures, and the repression of a ruthless dictator's on purge the innocent citizens of Yugoslavia. Milosevic and his killers belong in jail, not in power.

My bill, a bipartisan measure, will send a clear message to the powers that wage war in Yugoslavia: The United States has stepped off the sidelines, Congress has seen enough, we will act and we will act now. We will not close our eyes to the brutal reality of Serbian sponsorship of civil war in Yugoslavia. We will not turn our back on those who seek democracy, freedom, and human rights in Slovenia, Croatia, and Kosova.

Today, Congress puts down its foot. This bill will cut all aid and trade with Serbia and parts of Yugoslavia under Serbian control. We will embargo the Communists until they adhere to the principles of a new world order: Holding free and fair elections, ceasing armed conflict, ending all human rights violations, instituting economic reform, and respect for the internal borders established under the 1974 Yugoslav National Constitution.

As I stand here before you today, at this very moment, the Serbian-controlled Yugoslav Federal Army has broken another cease-fire, their fifth, and vowed to destroy Croatia. Tanks are moving, artillery is flying and once again, innocent people are dying. To just stand by and watch the massacre taking place before our eyes is wrong.

Mr. President, Slobodan Milosevic is the Butcher of Belgrade. The reality is that Yugoslavia is dead. It has reached the point of absolute war. The United States has a moral obligation to do all it can to stop the killing and save the innocent Croatian, Slovenians, and Albanians suffering under the sword of a Communist dictator.

Mr. President, I ask unanimous consent that the text of my bill be printed in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) In 1990, the republics of Croatia, Slovenia, Macedonia, and Bosnia-Hercegovina held free and fair elections.

(2) In 1990, the republics of Serbia and Montenegro held elections which were not free and fair.

(3) 2 million Albanians in the province of Kosovo have been living for more than two and one-half years under a Serbian-imposed martial law. The repressive measures instituted against Albanians in the province of Kosovo include thousands of political arrests, tens of thousands of politically motivated job dismissals, and widespread police violence against ethnic Albanians. The violence includes the excessive use of force by police to disperse peaceful demonstrations and random and unprovoked shootings by police that have resulted in at least 30 deaths and hundreds of injuries.

(4) Since the Declaration of Independence by the Republic of Slovenia on June 25, 1991, more than 100 people have been killed, including civilians, by the Serbian-controlled Yugoslav federal army.

(5) Since the Declaration of Independence by the Republic of Croatia on June 25, 1991, more than 500 people have been killed, including many innocent civilians, by the Serbian-controlled Yugoslav federal army and Serbian guerrillas.

(6) The Serbian-controlled Yugoslav federal army is actively using both ground and air forces in Croatia to attack the citizens that they are constitutionally bound to protect.

(7) Ethnic Hungarians in the province of Vojvodina have suffered egregious human rights violations.

(8) According to an August 31, 1991 Helsinki Watch report, more than 100,000 persons have been displaced by the fighting in Yugoslavia.

(9) Nine journalists have been killed and dozens attacked in Croatia by the Yugoslav federal army and Serbian guerrillas.

(10) According to the August 31, 1991, Helsinki Watch report, prisoners in Serbian and Croatian jails have experienced physical beatings and, in the case of Serbian jails, prisoners have been the victims of other abuses, including electric shock.

(11) The Serbian-controlled Yugoslav army's invasion into Croatia constitutes an illegal effort to alter the borders of Yugoslavia by force.

(12) The leaders of the Serbian republic and the Serbian-controlled Yugoslav army are pressing an unacceptable agenda in an effort to hold onto power and privilege.

(13) Continued violence an unrest in Yugoslavia will jeopardize the stability and security of central Europe.

(14) The majority of citizens in Yugoslavia want peace with self-determination and human rights.

(15) The United States should advance the principles of peace, democracy, human rights, self-determination, respect for existing borders, and respect for international law.

SEC. 2. RESTRICTION ON ASSISTANCE FOR SERBIA.

(a) RESTRICTION ON ASSISTANCE.—Unless the conditions of section 6(b) are certified to have been met, no United States assistance (including funds appropriated before the date of enactment of this Act) may be furnished for Serbia or for any part of Yugoslavia controlled by Serbia.

(b) DEFINITION.—For the purposes of this section, the term "United States assistance" means assistance for any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of art I of such Act);

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(5) financing under the Export-Import Bank Act of 1945.

SEC. 3. SUSPENSION OF MULTINATIONAL ASSISTANCE.

Unless the conditions of section 6(b) are certified to have been met, the Secretary of the Treasury shall instruct the United States executive directors of the International Monetary Fund, the International Bank for Reconstruction and Development, and the International Development Association to vote against any loan or other utilization of the funds of their respective institutions to or for Serbia or any part of Yugoslavia controlled by Serbia.

SEC. 4. SUSPENSION OF AIR TRAVEL.

(a) IN GENERAL.—Unless the conditions of section 6(a) are certified to have been met—

(1) the President shall direct the Secretary of transportation to revoke the right of any air carrier designated by the Government of Yugoslavia under the air transportation agreement between the United States and that country to provide service to Serbia or any part of Yugoslavia controlled by Serbia pursuant to that agreement;

(2) the Secretary of State shall terminate so much of that agreement as relates to Serbia or territory in Yugoslavia controlled by Serbia in accordance with the provisions of that agreement;

(3) upon termination of those provisions, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by Serbia from engaging in air transportation with respect to the United States; and

(4) The Secretary of Transportation shall provide for such exceptions from the prohibition contained in paragraph (3) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(b) DEFINITION.—For purposes of this section, the terms "aircraft", "air transportation", and "foreign air carrier" have

meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

SEC. 5. TRADE EMBARGO.

Notwithstanding any other provision of law, unless the conditions of section 6(a) are certified to have been met—

(1) the export to Serbia (or any part of Yugoslavia controlled by Serbia) of any goods or technology subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States is hereby prohibited; and

(2) no product, growth, or manufacture of Serbia (or of any part of Yugoslavia controlled by Serbia) may enter the customs territory of the United States.

SEC. 6. CONDITIONS.

(a) CONDITIONS ON AIR TRAVEL AND TRADE.—The conditions referred to in sections 4 and 5 are—

(1) that Serbia has ceased its armed conflict with the other ethnic peoples of Yugoslavia; and

(2) that Serbia has agreed to respect the internal borders established under the 1974 Yugoslav Federal Constitution.

(b) CONDITIONS ON ASSISTANCE.—The conditions referred to in sections 2 and 3 are as follows:

(1) that Serbia has ceased its armed conflict with the other ethnic peoples of Yugoslavia;

(2) that Serbia has agreed to respect the internal borders established under the 1974 Yugoslav Federal Constitution;

(3) that Serbia has held free and fair multiparty elections;

(4) that Serbia is not engaged in a pattern of systematic violations of human rights, within the borders of Yugoslavia;

(5) that Serbia is instituting economic reform, based on progress toward a market-oriented economy; and

(c) CERTIFICATION REQUIRED.—Whenever the President determines that the conditions of subsection (a) or (b) have been met, he shall so certify to the Congress.•

• Mr. GLENN. Mr. President, I rise today to voice my grave concern about the continuing crisis in Croatia, as well as to express my profound disappointment that our Government appears content to virtually ignore the deteriorating situation. Many innocent civilians have been attached, killed or wounded, in their homes and village streets, and thousands more have become refugees within their own land. The Yugoslav Federal Army, making a mockery of its allegedly neutral role of separating the warring parties, has openly sided with Serbian nationalists in Croatia.

Clearly, the use of force is not the answer to the apparently impending break up of the Yugoslav federation. Earlier this year I wrote to the President urging that the United States put its full weight behind the EC's oft-frustrated efforts to arrange an effective cease-fire. Unfortunately, to date, the administration appears to be satisfied to sit on the sidelines while the Europeans wrestle with this issue. The world's remaining superpower should not be sitting this one out; the United States should be actively engaged in the search for a solution. One way to do this would be to appoint a high level U.S. envoy to work with the EC Ministers—to coordinate the use of diplomatic and economic leverage and to signal our commitment to a peaceful negotiated solution. I still think this proposal merits serious consideration by the administration.

Despite the slightly more hopeful prospects for this fifth and latest cease fire, the situation remains tense and the ceasefire extremely tenuous. I fear that the EC effort may yet collapse if it is not immediately and firmly backed up by the international community. The U.N. Security Council was established to provide a collective response to threats to the peace; with the end of the cold war, the Council has actually had some success in this regard. The civil war in Yugoslavia certainly seems a proper issue for Security Council consideration. Very recently the Security Council did take up the question and imposed an arms embargo on Yugoslavia. I welcome this action as well as the strong, albeit belated, condemnation of Serbian aggression by the Secretary of State.

I do not claim to have the answer to the long standing animosities which fuel this crisis; I cannot tell the Serbs and Croats how to sort out their differences. However, I can say that military force is not the way—civil war would be an unmitigated disaster for all the peoples of Yugoslavia and a dangerous precedent for the many other long simmering ethnic conflicts now resurfacing across Eastern Europe and the Soviet Union. As a first step, the fighting in Croatia must stop, not temporarily but fully and permanently. The U.S. must use its diplomatic, political and economic leverage—ideally in coordination with the EC and the United Nations—to back up calls for a lasting cease-fire.

There should be no question that the United States insists on respect for the fundamental human rights of all of Yugoslavia's ethnic groups. This means Albanians in Kosovo, Serbs in Croatia, Hungarians in Vojvodino, etc. However, we cannot countenance a land grab by the government of Serbia and the armed forces under its control designed to create a de facto Greater Serbia. For this reason I will join several of my colleagues in sponsoring legislation to impose economic sanctions on Serbia unless and until it ceases its aggressive military action against neighboring republics.•

• Mr. PELL. Mr. President, I am pleased to join Senators D'AMATO, DOLE, RIEGLE, GLENN, NICKLES, and PRESSLER in introducing legislation that seeks to hold the Serbian government accountable for its egregious actions in Yugoslavia.

Specifically, the bill would impose an embargo on the import of products from Serbia until Serbia has ceased its armed conflict with the other republics of Yugoslavia. It would also restrict U.S. assistance to Serbia until the President can certify that Serbia has met certain conditions, including that Serbia is not engaged in a pattern of systematic violations of human rights within the borders of Yugoslavia and that it has held free and fair multiparty elections.

In Yugoslavia, the principles of freedom and self-determination are being severely threatened by the ongoing conflict. Long-held ethnic animosities and a dictator's unjust struggle to dominate the entire country have thrown the country into a war that threatens security throughout the region. Serbian republic president Slobodan Milosovic and his band of despots are pressing an unacceptable agenda of creating a greater Serbia at the expense of other republics and ethnic populations.

The Serbian-backed Yugoslav Army and Serbian renegades are waging war against Croatia, where regrettably, according to Croatian sources, approximately 1,000 people have lost their lives since fighting broke out three months ago. Cities rich in history and culture, such as Dubrovnik, are reportedly at risk of being turned to rubble, and the new fear is that the conflict will spread to the Republic of Bosnia-Hercegovina, where the potential for conflagration is extremely high.

As war rages in Croatia, we must not forget the plight of the people in the rest of Yugoslavia, particularly in Kosova where the Serbian government's repression against the Albanian population is intensifying. Albanian citizens are being deprived of their civil rights, and are subjected to beatings, police violence, arrests, and detentions.

Mr. President, I believe that we who value freedom and self-determination—principles which are so severely at risk in Yugoslavia—must take action to bolster those who share our values. Last week at the United Nations, Secretary of State Baker issued the administration's toughest statement yet on the subject of Yugoslavia, finally coming around to the view which many of us in Congress have held for weeks that:

> The Serbian leadership is actively supporting and encouraging the use of force in Croatia by Serbian militants and the Yugoslav military.

The Secretary also asserted that "the apparent objective of the Serbian leadership and the Yugoslav military working in tandem is to create "small Yugoslavia" or "greater Serbia" * * * This new entity would be based on the kind of repression which Serbian authorities have exercised in Kosovo for several years."

I commend Secretary Baker for his strong stance, and agree that the Yugoslav war poses a direct threat to international peace and security. The United Nations Security Council, recogniz-

ing that threat, last week adopted a resolution strongly urging the parties in the conflict in Yugoslavia to observe the EC-brokered cease-fire and to settle the dispute through negotiations. The U.N. resolution also imposes an embargo on all deliveries of weapons and military equipment to Yugoslavia.

Mr. President, I believe that these are steps in the right direction, but the world must do more to focus on the dreadful situation in Yugoslavia. The United States, for its part, must continue to condemn in the strongest manner possible the violence in all of Yugoslavia. I would hope that the U.S. administration would take a more active approach in breaking the cycle of violence gripping Yugoslavia. The legislation that we are introducing today seeks to do just that by ensuring that the United States does not aid—directly through our assistance program or indirectly through trade—the Government of Serbia as long as it continues on its present reckless course.●

By Mr. SANFORD:

S. 1794. A bill to suspend for a three-year period the duty on ethyl 2-keto-4-phenylbutanoate, also known as keto ester; to the Committee on Finance.

SUSPENSION OF DUTY

● Mr. SANFORD. Mr. President, I am introducing a bill to suspend for 3 years the duty on ethyl 2-keto-4-phenylbutanoate, also known as keto ester.

The imported keto ester is not manufactured by any company in the United States, and Merck & Co. must import the material. Keto ester is used to produce the active drugs, enalapril and lisinopril, which are then formulated in Wilson, North Carolina, to their dosage forms, Vasotec and Prinivil.

Vasotec is used both for the treatment of hypertension and for therapy in the management of heart failure. Prinivil is also used in the treatment of hypertension. I urge my colleagues to support a duty suspension for keto ester in order that these products may continue to be manufactured efficiently and cost-effectively.●

By Mr. SANFORD:

S. 1795. A bill to continue for a three year period the suspension of duties on Trifluoracetyl-L-Lysine-L-Proline in free base and tosyl salt forms, also known as Tfa Lys Pro in free base and tosyl salt forms; to the Committee on Finance.

SUSPENSION OF DUTY

● Mr. SANFORD. Mr. President, today, I am introducing legislation to suspend for a 3-year period the duty in Trifluoracetyl-L-Lysine-L-Proline in free base and tosyl salt forms, also known as Tfa Lys Pro in both free base and tosyl salt forms.

Tfa Lys Pro free base and tosyl salt are not manufactured in the United States, and Merck & Co. must import the ingredients which are formulated to dosage form in the company's Wilson, North Carolina plant.

The final product, lisinopril, is a patented drug which is used in the treatment of hypertension and provides economic benefits to society by shortening hospital stays and keeping patients out of the high cost health care system. I ask for my colleagues' support in suspending the duty on Tfa Lys Pro.●

By Mr. SANFORD:

S. 1796. A bill to suspend for a three-year period the duty on (S)-1-[N2-(1-carboxy-3-phenylpropyl)-L-proline dihydrate, also known as lisinopril; to the Committee on Finance.

SUSPENSION OF DUTY

● Mr. SANFORD. Mr. President. I rise today to introduce legislation to suspend for a 3-year period the duty on (S)-1-[N2-(1-carboxy-3-phenylpropyl)-L-proline dihydrate, also known as lisinopril.

Lisinopril is imported from Ireland for manufacturing into final dosage form at Merck and Company's Wilson, North Carolina plant. Merck also manufactured Lisinopril in Puerto Rico, yet the domestically produced material is insufficient to meet the market demand. Merck developed Lisinopril and holds the patent for the product. However, under a special licensing agreement, lisinopril is manufactured by ICI Americas, and ICI manufactures the material in the United Kingdom.

Lisinopril is marketed domestically by Merck as Prinivil and by ICI as Zestril. When combined with hydrochlorothiazide, Lisinopril is marketed as Prinzide by Merck and Zestoretic by ICI. Lisinopril is a patented drug to fight hypertension, and I urge my colleagues to suspend the duty on this product for the next 3 years.●

By Mr. DIXON:

S. 1797. A bill to suspend temporarily the duty on 3,4,4′-trichlorocarbanilide; to the Committee on Finance.

SUSPENSION OF DUTY

● Mr. DIXON. Mr. President, I am introducing legislation today to temporarily suspend the duty on a chemical, 3,4,4′-trichlorocarbanilide. This bill is simple and noncontroversial. It eliminates the duty on an antibacterial chemical that is not produced in the United States. But is an ingredient in deodorant soaps manufactured in this country.

This bill merely establishes a level playing field for domestic soap producers. Because there are no U.S. producers of trichlorocarbanilide, domestic soap producers must import the antibacterial agent, which carries a duty. As a result, domestic soap is produced at a higher cost than foreign made soap. This puts domestic soap producers at a disadvantage.

The U.S. harmonized tariff system was not created to handicap U.S. producers. Removing this duty would level the playing field for U.S. soap producers, thereby, allowing our companies to compete internationally. It is a reasonable bill.

I understand that the Finance Committee is considering putting together another miscellaneous trade and tariff bill; if this is the case, I strongly believe this provision should be included in that measure.

Mr. President, this is a meritorious bill, and I look forward to working with my colleagues to ensure its prompt enactment.

Mr. President, I ask unanimous consent that a copy of the bill be included at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12 3,4,4¼-trichlorocarbanilide (provided for in subheading 2924.21.30008)	Free	No change	No change	On or before 12/31/94".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. CRANSTON (by request):

S. 1798. A bill to amend section 3413 of title 12, United States Code, to add an exception authorizing financial institutions to disclose to the Department of Veterans Affairs the names and current addresses of their customers who are receiving payments, by direct deposit or Electronic Funds Transfer into their accounts, of compensation, Dependency and Indemnity Compensation or pension benefits under title 38, United States Code; to the Committee on Veterans' Affairs.

ACCESS TO ADDRESSES OF BENEFICIARIES BY THE DEPARTMENT OF VETERANS AFFAIRS

● Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I am today introducing, by request, S. 1798, a bill to amend section 3413 of title 12, United States Code, to authorize financial institutions to disclose to the Department of Veterans Affairs the current addresses of their customers who are receiving payments,

by direct deposit or Electronic Funds Transfer into their accounts, of certain VA benefits. The Secretary of Veterans Affairs submitted this legislation by letter dated June 13, 1991, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the June 13, 1991, transmittal letter and enclosed section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 3413 of the Right to Financial Privacy Act of 1978 (12 U.S.C. §3413) is amended by adding at the end the following new subsection:

"(p) Disclosure for proper administration of Department of Veterans Affairs' compensation, Dependency and Indemnity Compensation and pension benefit programs under Title 38, United States Code. Nothing in this chapter shall apply to a request for access to, or the disclosure to the Department of Veterans Affairs of, the name and address of a customer, who is or has been receiving payments of compensation, Dependency and Indemnity Compensation, or pension benefits under title 38, United States Code, by means of Government direct deposit or Electronic Funds Transfer into that customer's account at a financial institution, when such disclosure is needed for the purpose of the proper administration of those benefit programs."

SECTION-BY-SECTION ANALYSIS

This proposal would amend the Right to Financial Privacy Act of 1978 (RFPA), 12 U.S.C. §§3401–3422, by adding an exception to section 3413. This specific and limited exception would authorize a financial institution to disclose to the Department of Veterans Affairs (VA) the name and address of a customer who is receiving payments of VA compensation, Dependency and Indemnity Compensation, or pension benefits under title 38, United States Code, but only when such payments are being directly deposited either by Government mailed check or by Electronic Funds Transfer (DD/EFT) into that customer's account at the financial institution, and when the disclosure is needed for the purpose of the proper administration of those benefit programs.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, June 13, 1991.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: The enclosed bill and section-by-section analysis are presented for your consideration as a proposal to assist the Department of Veterans Affairs (VA) in administering our compensation, Dependency and Indemnity Compensation (DIC), and pension programs under title 38, United States Code. We submitted this same legislative proposal in the last session of Congress. The proposal would add a limited exception to the Right to Financial Privacy Act of 1978 (RFPA); 12 U.S.C. §§3401–3422, to authorize VA to request and obtain from financial institutions the names and current mailing addresses of certain VA beneficiaries who are receiving payments under these VA benefit programs; this would be done only when a current mailing address is unavailable and needed for proper administration of those programs, and when such payments are being deposited directly either by mailed check or by Electronic Funds Transfer (DD/EFT) into beneficiaries' accounts at those financial institutions.

The Treasury Department, Social Security Administration, and Railroad Retirement Board obtained enactment of an RFPA exception in 1983 to authorize their access to customer names and addresses when necessary to, and solely for the purpose of their proper administration of certain programs. Pub. L. No. 98–21; 12 U.S.C. §3413(k). This proposal would create a similar exception to authorize VA access to the names and addresses of customers, who are also VA direct deposit or DD/EFT compensation, DIC or pension beneficiaries, when needed for the purpose of VA administration of these benefit programs under title 38, United States Code.

The VA presently pays ongoing benefits to over 3.8 million compensation, DIC and pension beneficiaries under title 38, United States Code. VA is successfully encouraging more and more of these beneficiaries to have their payments deposited directly into their accounts at financial institutions by Electronic Funds Transfer (DD/EFT) means. Over 1.5 million of these beneficiaries now receive DD/EFT payments. This method of payment saves time and administrative costs, and provides improved convenience and safety for beneficiaries. However, there are still significant delays and administrative costs which result because a small but constant percentage of DD/EFT payment beneficiaries fail to keep VA advised of changes in their mailing address. In many cases these costs and delays could be avoided if we could get current addresses from the financial institutions. For example, about 5 percent of our recent compensation cost-of-living rate increase notice letters to DD/EFT payment beneficiaries have been returned as undeliverable because the VA does not have a current mailing address for them.

The VA needs current mailing addresses to communicate with beneficiaries from time to time for several reasons. In many cases physical examinations must be accomplished to evaluate the current severity of veterans' disabilities; if we do not have their current mailing address and hence cannot communicate with them, we must suspend their benefit payments. This causes significant VA administrative costs and inconvenience to veterans. We must also be able to advise beneficiaries of any legislative changes affecting their benefits. Moreover, continued entitlement to VA pension and parent's DIC benefits depends upon the amount of income of the beneficiary which he or she must periodically report to VA. Again, if the required VA income reporting forms which we periodically mail to those receiving income-dependent benefits (pension and parents' DIC) are not received, completed, and returned on time, then we are required to suspend payment of these benefits. Suspension can be particularly inconvenient and costly, for example, to DD/EFT payment beneficiaries who are having payments directly deposited into their checking or savings accounts, and who have come to rely upon these deposits.

Enactment of this proposal would not result in any additional costs. Savings would occur in that undeliverable mail to beneficiaries, suspension of benefits, and the manual effort of searching for addresses would be reduced because of more timely receipt of a current address.

For all the above reasons, we believe that this proposal creating a very limited exception to the RFPA would improve VA administration of these benefit programs, save administrative costs, and avoid unnecessary delays and inconvenience for many of our beneficiaries.

Thank you for the opportunity to present this legislative proposal for your consideration.

The Office of Management and Budget advises that there is no objection to the submission of this legislation to Congress from the standpoint of the Administration's program.

Sincerely yours,
EDWARD J. DERWINSKI.●

By Mr. LAUTENBERG:

S.J. Res. 209. Joint resolution to designate March 1992 as "National Computing Education Month" to the Committee on the Judiciary.

NATIONAL COMPUTING EDUCATION MONTH

● Mr. LAUTENBERG. Mr. President, I rise today to introduce a joint resolution designating March 1992 as National Computing Education Month. This resolution will encourage young people to train for computer careers. It will also promote awareness of the importance of computer technology in maintaining our Nation's leadership in computer software development.

Today we are faced with a critical shortage of qualified and skilled computing professionals, particularly computer programmers and systems analysts. This shortage has resulted from a decline in students pursuing undergraduate degrees in the information sciences, and a lack of awareness of the career possibilities in the field. Students need to be encouraged to pursue an education in information sciences. They need better information about the opportunities available to them, and the vast demand for these skills in the workplace.

We need a sufficient number of qualified computing scientists to meet our Nation's competitiveness goals, and the needs of the public and private sector for computing services. Government has a role to play in creating public awareness of these issues, and encouraging a sound working partnership between business and academia in meeting the challenges of the 21st century.

As the cofounder and former head of Automatic Data Processing [ADP] now the world's largest computer services company, I have witnessed the astonishing growth of computing technology

from its beginning decades ago. Today, our society depends on computers for a range of tasks, from the college student typing his or her paper with a word processor to a company that relies on computers to craft precision instruments or process thousands of pieces of information in seconds.

America simply must keep pace with other countries in developing sophisticated computing technology, and we must do that with people. People educated and trained in the latest technology. People educated to make the next breakthrough in computing science.

We have the potential. All we need to do is develop it. I hope that National Computing Education Month will help put us on the right path.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 209

Whereas software development productivity must increase to ensure our full use of new computer technology;

Whereas a sufficient number of qualified and talented computing scientists are required to meet not only our Nation's goals but also the needs of the public and private sectors;

Whereas there is mounting evidence that we are approaching a critical shortage of qualified and skilled computing professionals, particularly computer programmers and systems analysts;

Whereas there is a corresponding decline of undergraduate degrees awarded in the last 3 years in computers and information sciences; and

Whereas government must take an active role in creating a public awareness of these issues and encourage a sound and working partnership between business and academia in meeting the challenges of the 21st century: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Congress recognizes and supports the leadership position of the United States of America in computer software development;

(2) Congress acknowledges the significant impact that this issue may have if business and government do not make plans to actively encourage our Nation's youth to consider this field for their future careers; and

(3) the month of March 1992 is designated as the "National Computing Education Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.•

ADDITIONAL COSPONSORS

S. 152

At the request of Mr. COATS, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to $4,000.

S. 447

At the request of Mr. THURMOND, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 447, a bill to recognize the organization known as The Retired Enlisted Association, Incorporated.

S. 448

At the request of Mr. SYMMS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 649

At the request of Mr. BREAUX, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 701

At the request of Mr. COATS, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 709

At the request of Mr. HATCH, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 709, a bill to amend the Internal Revenue Code to allow a deduction for qualified adoption expenses, and for other purposes.

S. 843

At the request of Mr. BREAUX, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 914

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 962

At the request of Mr. INOUYE, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. SIMON], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. REID], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 962, a bill 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.

S. 1257

At the request of Mr. SYMMS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1261

At the request of Mr. DOLE, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1357

At the request of Mr. BREAUX, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 1358

At the request of Mr. GRAHAM, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1358, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

S. 1455

At the request of Mr. GRAHAM, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1455, a bill entitled the "World Cup USA 1994 Commemorative Coin Act."

S. 1563

At the request of Mr. METZENBAUM, his name was added as a cosponsor of S. 1563, a bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes.

S. 1566

At the request of Mr. PACKWOOD, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1566, a bill to amend the Internal Revenue Code of 1986 to permit withdrawals without penalty from retirement accounts to purchase first

homes, to pay education and medical expenses, or to meet expenses during periods of unemployment, and for other purposes.

S. 1578

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1641

At the request of Mr. BREAUX, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1641, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

S. 1791

At the request of Mr. DOLE, the names of the Senator from California [Mr. SEYMOUR], the Senator from Missouri [Mr. BOND], the Senator from Missouri [Mr. DANFORTH], the Senator from Utah [Mr. HATCH], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1791, a bill to provide emergency unemployment compensation, and for other purposes.

SENATE JOINT RESOLUTION 39

At the request of Mr. THURMOND, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution to designate the month of September 1991, as "National Awareness Month for Children with Cancer."

SENATE JOINT RESOLUTION 110

At the request of Mr. MOYNIHAN, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Washington [Mr. GORTON], the Senator from Texas [Mr. BENTSEN], the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. BREAUX], the Senator from Colorado [Mr. BROWN], the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BURNS], the Senator from West Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Mr. COHEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from Missouri [Mr. DANFORTH], the Senator from South Dakota [Mr. DASCHLE], the Senator from Connecticut [Mr. DODD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. FOWLER], the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Vermont [Mr. LEAHY], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. LUGAR], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Delaware [Mr. ROTH], the Senator from New Hampshire [Mr. RUDMAN], the Senator from North Carolina [Mr. SANFORD], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 110, a joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 139

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Texas [Mr. BENTSEN], the Senator from Illinois [Mr. SIMON], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 139, a joint resolution to designate October 1991, as "National Lock-In-Safety Month."

SENATE JOINT RESOLUTION 147

At the request of Mr. LEAHY, the names of the Senator from Missouri [Mr. BOND], the Senator from Montana [Mr. BURNS], the Senator from California [Mr. CRANSTON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Georgia [Mr. FOWLER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Tennessee [Mr. SASSER], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 147, a joint resolution designating October 16, 1991, and October 16, 1992, as "World Food Day."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from Montana [Mr. BAUCUS], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 193

At the request of Mr. SANFORD, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 193, a joint resolution to establish a commission to commemorate the bicentennial of the establishment of the Democratic Party of the United States.

SENATE JOINT RESOLUTION 202

At the request of Mr. INOUYE, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alabama [Mr. SHELBY], the Senator from Texas [Mr. GRAMM], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 202, a joint resolution to designate October, 1991, as "Crime Prevention Month."

SENATE JOINT RESOLUTION 208

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 208, a joint resolution to designate October 15, 1991, as "Up With People Day."

SENATE RESOLUTION 166

At the request of Mr. COATS, the names of the Senator from Colorado [Mr. BROWN], the Senator from Mississippi [Mr. LOTT], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Resolution 166, a resolution expressing the sense of the Senate that, in light of current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.

SENATE RESOLUTION 186

At the request of Mr. GRAHAM, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Indiana [Mr. LUGAR], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Resolution 186, a resolution relative to Haiti.

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Resolution 186, supra.

SENATE CONCURRENT RESOLUTION 67—RELATING TO STATE MEDICAID EXPENDITURES

Mr. SHELBY submitted the following resolution; which was referred to the Committee on Finance:

S. CON. RES. 66

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.

Whereas the medicaid program is a State-administered entitlement program under which the Federal Government reimburses States for expenses incurred by the States in providing medical services on behalf of low-income individuals;

Whereas the amount of payment made by the Federal Government to a State under the medicaid program is based on a percentage of the total amount of the State's expenditures under the program;

Whereas in determining the total amount of a State's medicaid expenditures for purposes of calculating the Federal payment to the State, the Secretary of Health and Human Services has historically included State expenditures made from revenues derived from provider-specific taxes assessed on providers of services under the medicaid program;

Whereas the Secretary has issued an interim final rule that, if implemented, would prohibit the inclusion of expenditures made from revenues derived from these taxes in the calculation of State medicaid expenditures, resulting in the suspension of Federal payments under medicaid related to these expenditures for years beginning with 1992;

Whereas it is not appropriate for the Federal Government to take actions that have the effect of preempting the tax decisions of State governments;

Whereas for many States revenues derived from provider-specific taxes represent a significant proportion of medicaid expenditures;

Whereas the Secretary's refusal to treat revenues derived from provider-specific taxes as reimbursable medicaid expenses will result in drastic reductions in Federal payments to States under the medicaid program; and

Whereas these reductions in Federal payments under medicaid will occur at the same time State medicaid expenses are rapidly rising as a result of Federal mandates expanding the population States must serve and the benefits States must provide under the program: Now, therefore, be it

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

(1) it is the sense of Congress that it is not appropriate for the Federal Government to take actions that have the effect of preempting the tax decisions of State governments; and

(2) Congress protests 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, and strongly urges the Secretary to drop the proposed rule implementing the decision.

• Mr. SHELBY. Mr. President, I rise today to introduce a concurrent resolution expressing the sense of the Senate that it is neither appropriate, nor right that the administration take action to preempt the revenue raising decisions of our State governments.

My legislation was prompted by the September 12, 1991 regulations that appeared in the Federal Register announcing the intention of the Department of Health and Human Services to bar Federal reimbursement to States for any portion of State Medicaid outlays that are funded through voluntary contributions or provider-specific taxes.

What this rule does is effectively prohibit States from meeting the needs of the most medically underserved of their populations. The Medicaid Program assists nearly 27 million poor Americans. Over 50 percent of those recipients are children.

Mr. President, my home State of Alabama stands to lose $790 million if this proposed rule is implemented. But more shocking than the actual dollar figure lost, is the number of Alabamians—10,000—who will no longer receive health care through my State's Medicaid Program. They are our poor—they are our children—and they are our seniors.

An innovative Alabama Medicaid pharmacy program, which is not a Federal requirement, but which serves to fill a widening gap in our health care network by providing access to prescription drugs, would be eliminated.

At issue, is whether or not the administration has the authority to make tax decisions for State governments. The answer, I believe, is no. Ultimately, the courts may have to decide this issue.

I also question the reasoning behind mandating expansions in the Medicaid Program while at the same time denying States the ability to fund these federally required health services.

Several States are in the same position as Alabama. Those States are: Arkansas, Kentucky, Maine, California, Florida, Georgia, Maryland, Michigan, Mississippi, Missouri, North Carolina, Pennsylvania, South Carolina, Texas, Utah, Illinois, Indiana, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, Ohio, Tennessee, Vermont, Washington, and Wisconsin.

I urge my colleagues from these States to stand with me in opposition to this ill-conceived proposal and remain supportive of States' rights to utilize existing financing options to fund this much needed national health care program.

Mr. President, I know that an expanded Medicaid Program is making a difference in my State. It has helped to lower our infant mortality rate. It has helped nearly a quarter of a million people last year in Alabama receive the prescription drugs they need. It has helped provide nursing-home care to people with no resources and nowhere else to turn.

I won't turn my back on this program. For too many years, Alabama has been struggling to creep out from under the stigma of having the Nation's highest infant mortality rate and some of the most restrictive Medicaid eligibility requirements. Finally, there is hope in Alabama. Our Medicaid Program is expanding and meeting health care needs. Much more remains to be done.

Barring the use of provider-specific taxes to fund our share of the Medicaid Program will push Alabama backwards—a place we cannot afford to go.

I urge my colleagues to join with me as cosponsors of this legislation and to work with me to prevent the finalization of this proposed rule.•

SENATE CONCURRENT RESOLUTION 68—RELATIVE TO USE OF PAID LEAVE TO ATTEND PARENT-TEACHER CONFERENCES

Mr. HATFIELD submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 68

Whereas in national survey 90 percent of teachers considered the lack of parental support to be a major problem in schools, contrasted with 49 percent reporting alcohol and 54 percent reporting drugs as major problems;

Whereas in a parent-teacher survey involving the ranking of areas of concern related to improving elementary and secondary education, 7 of the 10 highest ranked areas addressed parental involvement;

Whereas a nationwide survey of 1,000 public and private schools found that nearly half of the 24,600 eighth grade students surveyed indicated they rarely discuss school with their parents;

Whereas a survey of eighth graders' parents reveals that only slightly over one-half of such parents have any contact with their children's schools regarding academic performance, and only 35 percent of such parents have any such contact regarding academic programming;

Whereas opportunities for parent-teacher collaboration have diminished in part due to the divorce rate, the percentage of students living in one-parent homes, and the ratio of married mothers working outside the home having doubled since 1965; and

Whereas parent-teacher communication is an important element in the educational progress of American students: Now, therefore, it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that Members of Congress, agencies of the Federal Government, and all employers in the United States should support parent-teacher conferences and should undertake measures to encourage working parents to use paid leave for the purpose of attending parent-teacher conferences.

• Mr. HATFIELD. Mr. President, I rise today to reaffirm my support for our Nation's education system and its teachers. As we all know, support can take many forms. The Congress usually demonstrates its support of principles and institutions by authorizing costly new programs. The support I introduce today is a strategy for education that

may be the least costly of all and may improve the achievement of the greatest number of students.

In a recent national survey, 90 percent of teachers cited lack of parental support as a serious problem in their school, while only about half named alcohol, drugs, or violence as a problem. Lack of parental support does not necessarily mean apathy toward their children or their schools; it may merely reflect the increased numbers who work full-time. Only 7 percent of American families now fit the family image of the 1950's with the homemaker mother and income-earner father.

Employers therefore have unprecedented control over parental involvement in their children's schooling. The American Electronics Association, for example, can affect over 2½ million workers through its member industries. The AEA recently instituted a campaign to strengthen the involvement of employees in their children's education. Realizing the huge difference between merely permitting and actively encouraging actions, companies joining the campaign agree to emphasize the value of home-school connections and to encourage the use of paid-leave to attend parent-teacher conferences.

My office is the first in the U.S. Senate to join AEA's Get Together for Kids campaign. Although my staff already may use flex time or paid leave time to attend teacher or school-scheduled conferences, I now go a giant step further: Because I consider parental connections with their children's education so crucial, I endorse all opportunities for parent-school dialogues.

I don't mean just teacher-scheduled conferences. A parent facing conditions that necessitate the awareness of or input from their child's teacher should request a meeting. Work hours can be juggled and, if necessary, substitutes can keep the workplace going; but no substitute parents or simulated concern can keep a child's life on track.

Fifteen years ago, my staff was composed primarily of young, single individuals just beginning their careers. Over time, and with some turnover, this cadre of eager young people acquired more than mere Hill experience and some frown wrinkles. They married and began having families. Not long ago, a group of "old-timers" awaiting the start of a staff meeting were overheard discussing serious matters: not the most recent movie they had seen nor the newest after-hours social establishment, but the relative benefits of cloth versus disposable diapers. What a transformation.

My staff can boast of—at this moment—32 children. Six were born within the past year and two more are on the way. With three marriages and eight engagements during the past 6 months, I predict our baby boom will continue. These new lives have changed the perspectives and personal priorities of my staff. With the responsibilities of parenthood, they have a renewed respect for the importance of a strong family unit and a determination to nurture the children with whom they have been blessed. As the de facto patriach of the extended "Hatfield Family"—as my staff calls itself—I do what I can to ensure the welfare of each family member. This concern continues and often intensifies throughout the children's elementary and secondary school years. Among the few measures I can take in my other role of employer, I wholeheartedly endorse AEA's campaign.

In the Senate and other office environments, this action may not seem to be significant. However, until we formalize our commitment to parental participation in education, we cannot urge our constituents to take similar actions. I am proud of the fact that Oregon, with over 26 percent of AEA companies joining in the first 6 months of the campaign, leads all other States; the national average is 13 percent. I can now wholeheartedly solicit the remaining AEA membership to join their colleagues—and me—in encouraging their employees to be actively involved in their children's education.

Finally, I urge my own colleagues in the U.S. Senate to join the AEA campaign, clarify their office policy, and encourage their constituents to Get Together for Kids.●

AMENDMENTS SUBMITTED

FOREIGN RELATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, FISCAL YEAR 1992

KASTEN (AND OTHERS) AMENDMENT NO. 1247

(Ordered referred to the Committee on Appropriations.)

Mr. KASTEN (for himself, Mr. INOUYE, Mr. D'AMATO, Ms. MIKULSKI, Mr. SPECTER, Mr. LAUTENBERG, Mr. NICKLES, Mr. DECONCINI, Mr. JOHNSTON, Mr. HARKIN, Mr. PACKWOOD, Mr. SHELBY, Mr. MACK, Mr. AKAKA, Mr. BROWN, Mr. RIEGLE, Mr. BOND, Mr. KOHL, Mr. MCCAIN, Mr. WOFFORD, Mr. SEYMOUR, Mr. ADAMS, Mr. HATCH, Mr. BRADLEY, Mr. COHEN, Mr. ROBB, Mr. CRAIG, Mr. BURDICK, Mr. COATS, Mr. SIMON, Mr. BURNS, Mr. GRAHAM, Mr. GRASSLEY, Mr. CONRAD, Mr. PRESSLER, Mr. CRANSTON, Mr. LEVIN, Mr. DODD, Mr. SARBANES, Mr. LIEBERMAN, Mr. GLENN, Mr. FOWLER, Mr. KENNEDY, Mr. EXON, Mr. BIDEN, Mr. HEFLIN, Mr. FORD, Mr. METZENBAUM, Mr. KERRY, Mr. GORE, Mr. WELLSTONE, Mr. WIRTH, Mr. BRYAN, Mr. COCHRAN, Mr. REID, Mr. DIXON, Mr. DASCHLE, Mr. LOTT, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. MCCONNELL, Mr. BUMPERS, Mr. PELL, Mr. HOLLINGS, Mr. DURENBERGER, Mr. MURKOWSKI, Mr. GRAMM, Mr. GORTON, and Mr. DANFORTH) submitted an amendment intended to be proposed by them to the bill (H.R. 2621) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 28, between lines 20 and 21, insert the following:

Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 226. LOAN GUARANTEE PROGRAM FOR RESETTLEMENT OF REFUGEES IN ISRAEL.—(a)(1) During the period beginning on October 1, 1991, and ending on September 30, 1996, the President shall issue guarantees against losses incurred in connection with loans to Israel for the purpose of providing economic assistance to Israel and the economy of Israel in connection with the extraordinary costs occasioned by Israel's humanitarian undertaking to resettle and absorb Soviet and Ethiopian refugees. The authority of this subsection is in addition to any other authority to issue guarantees for any such purpose.

"(2) The total principal amount of guarantees which may be issued under this subsection in any fiscal year shall not exceed $2,000,000,000, except that, in the event that less than $2,000,000,000 of guarantees is issued in any fiscal year, the authority to issue the balance of such guarantees shall be available in any subsequent fiscal year ending on or before September 30, 1996. Each guarantee issued under this section shall guarantee 100 percent of the principal and interest payable on such loans. Loan guarantees shall be made in such increments as the government of Israel may request. The guarantee for each such increment shall be obligated and committed within 30 days of the request therefor, and the issuance of the guarantee for each such increment shall occur within 60 days of such request, unless a later date is selected by the government of Israel.

"(b) The standard terms of any loan or increment guaranteed under this section shall be 30 years, with semiannual payments of interest only over the first 10 years, and with semiannual payments of principal and interest, on a level-payment basis, over the last 20 years thereof, except that the guaranteed loan or any increments issued in a single transaction may include obligations having different maturities, interest rates, and payment terms if the aggregate schedule debt service for all obligations issued in a single transaction equals the debt service for a single loan or increment of like amount having the standard terms described in this sentence. The guarantor shall not have the right to accelerate any guaranteed loan or increment or to pay any amounts in respect of the guarantees issued other than in accordance with the original payment terms of the loan. For purposes of determining the maximum principal amount of any loan or increment to be guaranteed under this section, the principal amount of each such loan or increment shall be—

"(1) in the case of any loan issued on a discount basis, the original issue price (excluding any transaction costs) thereof; or

"(2) in the case of any loan issued on an interest-bearing basis, the stated principal amount thereof.

"(c)(1) Before the issuance of the first guarantee under this section, the Govern-

ment of Israel shall provide the President with written assurances that such loans will be used only for projects or activities in geographic areas which were subject to the administration of the Government of Israel before June 5, 1967, to be stated in the same manner as was provided in the grant agreement with Israel for fiscal year 1991 under chapter 4 of part II of this Act.

"(2) Section 223 shall apply to guarantees issued under subsection (a) in the same manner as such section applies to guarantees issued under section 222, except that subsections (a), (e)(1), (g), and (j) of section 223 shall not apply to such guarantees and except that, to the extent section 223 is inconsistent with the Federal Credit Reform Act of 1990, that Act shall apply. Loans shall be guaranteed under this section without regard to sections 221, 222, and 238(c). Notwithstanding section 223(f), the interest rate for loans guaranteed under this section may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with financing under this section in the event the borrower elects not to finance such costs or fees out of loan principal.

"(3) Notwithstanding any other provision of law, fees charged for the loan guarantee program under this section shall be an aggregate origination fee of $100,000,000, payable on a pro rata basis as each guarantee for each loan or increment is issued.".

The loan guarantees authorized pursuant to section 226 of the Foreign Assistance Act of 1961 (as added by this Act) for fiscal year 1992 and for each of the four succeeding fiscal years shall be made available without need for further appropriations of subsidy cost as the fees required to be paid by the borrower under section 226(c)(3) of the Foreign Assistance Act of 1961 reduce the subsidy cost to zero.

FAMILY AND MEDICAL LEAVE ACT

DURENBERGER (AND KASSEBAUM) AMENDMENT NO. 1248

Mr. DURENBERGER for himself and Mrs. KASSEBAUM) proposed an amendment to the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes, as follows:

Strike section 107 of the amendment and insert the following new section:

SEC. 107. ENFORCEMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that parties with a dispute regarding rights provided under this Act should attempt to resolve the dispute without resort to litigation.

(b) ARBITRATION.—

(1) IN GENERAL.—An eligible employee who alleges that an employer has violated a right of the employee provided under this Act shall, in order to enforce the right, submit the dispute to binding arbitration in accordance with this section.

(2) WRITTEN NOTIFICATION.—Not later than 180 days after the date of an alleged violation of the right, the eligible employee shall notify the employer in writing that such alleged violation has occurred.

(3) COMPLAINT.—On submission of the notification described in paragraph (2), the eligible employee or the employer may file a complaint regarding the alleged violation with the Department of Labor. The Secretary shall by regulation specify procedures for filing the complaint.

(4) SELECTION OF ARBITRATOR.—

(A) LIST.—Not later than 10 days after receiving such a complaint regarding an eligible employee and an employer, the Secretary shall make available to the employee and employer a list of not fewer than seven arbitrators. Such list shall include, at a minimum, two names provided by the Federal Mediation and Conciliation Service. Each arbitrator on the list shall possess such qualifications as the Secretary shall by regulation specify.

(B) SELECTION.—The eligible employee and employer shall choose a mutually acceptable arbitrator (referred to in this section as the "arbitrator") from the list provided by the Department of Labor. If the employee and employer are unable to agree on an arbitrator, the Secretary shall appoint the arbitrator.

(5) HEARING DATE.—The eligible employee and employer shall schedule a mutually acceptable date to conduct a hearing with the arbitrator under subsection (c), which hearing shall take place not more than 60 days after the date of choosing the arbitrator. The Secretary or the arbitrator may grant an extension of the hearing date for good cause shown.

(c) HEARING.—

(1) IN GENERAL.—The arbitrator shall conduct a hearing regarding the complaint submitted under subsection (b)(3) in accordance with the procedures set forth in this subsection.

(2) DISCOVERY.—The eligible employee and employer shall be entitled to make appropriate requests for discovery prior to the hearing. The Secretary shall by regulation specify the appropriate scope for the discovery requests. The ruling of the arbitrator on the discovery requests shall be final, binding, and nonreviewable.

(3) EVIDENCE.—The arbitrator shall preside over the hearing and take into consideration written and oral evidence as presented by the eligible employee and the employer. The arbitrator may utilize the Federal Rules of Evidence as a guideline for determining the admissibility of evidence during the hearing, but the Federal Rules of Evidence shall not be determinative.

(4) DECISION.—The arbitrator shall issue a written decision to the eligible employee and the employer not later than 30 calendar days after the last day of the hearing. The decision shall be final, binding, and nonreviewable, except as provided in this Act.

(d) REMEDY.—

(1) EQUITABLE RELIEF.—

(A) IN GENERAL.—If an arbitrator determines that an employer has violated any right provided under this Act, the arbitrator may issue an order enjoining the employer from engaging in such conduct, and may order, as appropriate, equitable relief directly attributable to and proximately caused by the violation, including reinstatement or full or partial backpay.

(B) DETERMINATION OF BACKPAY.—Backpay awarded under this subsection shall not accrue from a date more than 2 years prior to the date of filing of written notification to the employer under subsection (b)(2). The arbitrator shall reduce the backpay that an eligible employee would otherwise have recovered by the amount of the interim earnings of the employee or the amounts that the employee could have earned with reasonable diligence.

(2) DAMAGES.—No arbitrator shall issue an order under paragraph (1) awarding punitive damages, or compensatory damages for pain and suffering, emotional distress, or other injury under the common law.

(3) FEES.—The arbitrator, in the discretion of the arbitrator, may award reasonable attorney's fees and arbitrator fees to a prevailing party in a hearing brought under subsection (c).

(e) JUDICIAL REVIEW.—

(1) ARBITRATION ORDER.—

(A) IN GENERAL.—An eligible employee or an employer who was a party to an arbitration hearing under subsection (c) may seek vacation, modification, or enforcement of the arbitration order resulting from the hearing in the State or Federal court in which the eligible employee resides or works, or where the employer operates.

(B) APPLICATION.—An application for vacation, modification, or enforcement of such an order shall be filed not later than 90 days after the date of the issuance of the order.

(C) BASIS FOR VACATION OR MODIFICATION.—The court may vacate or modify such an order if the court finds that—

(i) the order was procured by corruption, fraud or other improper means;

(ii) there was evident partiality by the arbitrator;

(iii) the arbitrator exceeded the powers of the arbitrator under this Act; or

(iv) the arbitrator committed a material and manifest error of law.

(D) FEES AND COSTS.—In an action for vacation, modification, or enforcement of an order of an arbitrator under this subsection, the court may award reasonable attorney's fees and court costs to a prevailing party.

(2) OTHER REVIEW.—No person may commence a civil action to enforce a right provided under this Act except—

(A) in accordance with this section; or

(B) in an action brought under the Constitution.

In section 106(c) of the amendment, strike ", or is investigating" and all that follows through "section 107(b)".

In section 108 of the amendment, strike subsection (f).

HATCH (AND LUGAR) AMENDMENT NO. 1249

Mr. HATCH (for himself and Mr. LUGAR) proposed an amendment to the bill S. 5, supra, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Family Protection Act of 1991".

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate stability in United States families by providing reemployment opportunities for eligible individuals who leave employment for legitimate family purposes.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" have the meanings given the terms in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means an individual who meets the criteria established in paragraphs (1) through (5) of section 4(a).

(3) EMPLOYEE.—The term "employee" has the meaning given the term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(4) EMPLOYER.—The term "employer" means any person engaged in commerce or in any industry or activity affecting commerce.

(5) IMMEDIATE FAMILY MEMBER.—The term "immediate family member" means—

(A) a child of a parent;

(B) a current, legally recognized spouse; or

(C) a parent.

(6) LEGITIMATE FAMILY PURPOSE.—The term "legitimate family purpose" means a purpose described in paragraph (1)(B), (2), (3) or (4) of section 4(c).

(7) ORIGINAL POSITION.—The term "original position" means the position described in section 4(a)(2).

(8) PARENT.—The term "parent" means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, or a legal guardian.

(9) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(10) SERIOUS HEALTH CONDITION.—The term "serious health condition" means—

(A) a condition caused by an accident, a disease, or another physical condition that—

(i) poses an imminent danger of death; or

(ii) requires hospice care or hospitalization for extreme emergency care; or

(B) a mental or physical condition that requires constant in-home care.

(11) SIMILAR POSITION.—The term "similar position" means a position at the same location as the original position and with like seniority, status, duties, and responsibilities and equivalent pay and benefits.

SEC. 4. REEMPLOYMENT RIGHTS FOR ELIGIBLE INDIVIDUALS LEAVING EMPLOYMENT FOR LEGITIMATE FAMILY PURPOSES.

(A) REEMPLOYMENT RIGHTS.—An individual shall be entitled to reemployment as described in subsection (b) if the individual—

(1) was an employee of the employer from whom reemployment is sought for not less than 2,000 hours of continuous employment during the 14-month period preceding the provision of notice under subsection (d);

(2) left a currently held position with the employer for a period of time for a legitimate family purpose, as described in subsection (c);

(3) did not accept intervening employment exceeding 17.5 hours per week with any employer during the period;

(4) has provided the notice and documentation described in subsection (d); and

(5) has applied for reemployment as described in subsection (e).

(b) REEMPLOYMENT.—

(1) AVAILABLE EMPLOYMENT.—Except as provided in subsections (f) through (h), an employer shall restore an eligible individual to employment in the original or a similar position, if available at the time the individual applies for reemployment under subsection (e).

(2) SUBSEQUENTLY AVAILABLE EMPLOYMENT.—

(A) NOTIFICATION BY EMPLOYER TO ELIGIBLE INDIVIDUAL.—Except as provided in subsections (f) through (h), if the original or a similar position is not available when an eligible individual applies for reemployment under subsection (e), an employer shall—

(i) so notify the individual; and

(ii) if a similar position becomes available not later than 1 year after the date the individual applies for reemployment under subsection (e), notify the individual of the availability of the position and restore the individual to employment.

(B) MANNER OF NOTIFICATION.—

(i) PROVISION OF ADDRESS BY EMPLOYEE TO ELIGIBLE INDIVIDUAL.—An eligible individual who changes address prior to the date described in subparagraph (A) shall submit the new address to the employer by certified letter.

(ii) DELIVERY OF NOTIFICATION BY EMPLOYER TO ELIGIBLE INDIVIDUAL.—An employer shall make the notification described in subparagraph (A) by a certified letter delivered to the last address provided to the employer by an eligible individual.

(C) TIMING OF NOTIFICATION.—

(i) IN GENERAL.—Except as provided in clause (ii), an employer shall allow an eligible individual, in order to respond to the notification described in subparagraph (A), not fewer than 15 days after the date that the employer relinquishes formal control of the certified letter described in subparagraph (B)(ii) to the postal service, or other bona fide delivery system.

(ii) ECONOMIC REASONS.—If economic necessity requires an employer to fill a similar position earlier than 15 days after the date described in clause (i), the employer shall—

(I) allow an eligible individual not fewer than 5 days after the date to respond to the notification described in subparagraph (A); and

(II) notify the individual of reasonable time limitations within which the individual must accept the offer contained in the notification and commence performance of the duties of the position.

(D) AVAILABLE ALTERNATIVE EMPLOYMENT.—Notwithstanding any other provision of this section, if the original or a similar position is not available when an eligible individual applies for reemployment under subsection (e), the employer and eligible individual may agree that the eligible individual shall be employed in any available position with different duties or responsibilities, or of lesser seniority, status, benefits, or pay, until the original or similar position becomes available.

(c) PERIOD OF TIME FOR A LEGITIMATE FAMILY PURPOSE.—For the purposes of this section, a period of time for a legitimate family purpose shall include a period of time—

(1) taken by a parent during the period that precedes the birth of a child—

(A) because of a serious health condition or on the advice of a physician; and

(B) for purposes directly related to the birth of the child;

(2) not to exceed 6 years and taken by a parent following the birth of a child for the purpose of caring for and nurturing the child;

(3) taken by a parent following adoption of a child and ending not later than 6 years after the birth of the child; or

(4) not to exceed 2 years and taken by an individual because of a serious health condition of an immediate family member and for the purpose of providing necessary medical and personal care to the family member.

(d) NOTICE AND DOCUMENTATION.—In order to be eligible for reemployment under this section, an individual shall—

(1) provide to the employer a minimum of 30 days written notice that the individual desires, or finds it necessary, to leave the position for a legitimate family purpose, unless under the totality of the circumstances it is impossible for the individual to provide such notice; and

(2) promptly furnish such reasonable documentation as the employer may request of the legitimate family purpose that prompted the provision of notice under paragraph (1), unless under the totality of the circumstances it is impossible for the individual to promptly furnish the documentation.

(e) APPLICATION.—In order to be eligible for reemployment under this section, an individual shall submit a written application to the employer that demonstrates that the individual remains qualified to perform the duties and responsibilities of the original position that existed at the time the individual gave the notice described in subsection (d)(1).

(f) PRIOR RIGHT OF REEMPLOYMENT.—If two or more eligible individuals seek to exercise reemployment rights established under this section in conflict, the individual who first made application for reemployment shall have the prior right to be restored to employment. Restoration of an eligible individual to employment shall not otherwise affect the reemployment rights of other eligible individuals wishing to be similarly restored.

(g) EXEMPTION.—An employer shall not be subject to this section with respect to an eligible individual if—

(1) circumstances have so changed, between the time that the employer received the notice described in subsection (d)(1) and the time the individual applies for reemployment under subsection (e), as to make reemployment unreasonable; or

(2) the employer instituted formal or informal disciplinary action against the individual prior to delivery by the individual of the notice described in subsection (d)(1).

(h) WAIVER.—

(1) AVAILABILITY.—Absent coercion by either party, an employer and an employee of the employer may jointly agree, in writing, to—

(A) vary the requirements and conditions of the reemployment rights provided under this section; or

(B) substitute another employment arrangement, or an employment benefit or package of employment benefits, for the reemployment rights provided under this section.

(2) EXPLANATION.—

(A) REQUIREMENT OF RECEIPT.—In order for the agreement described in paragraph (1) to have effect, the employee described in paragraph (1) must receive a written explanation of the rights and remedies provided under this section before signing the agreement and must enter the agreement knowingly.

(B) MODEL EXPLANATION.—The Secretary shall prepare and publish in the Federal Register a model written explanation of the rights and remedies provided under this section. An employer may legibly reproduce the model explanation and generally distribute the explanation annually, or post the explanation permanently in a conspicuous place in the workplace, in order to satisfy the requirement described in subparagraph (A).

SEC. 5. ENFORCEMENT.

(a) ENFORCEMENT BY THE SECRETARY.—

(1) CHARGE.—In order to obtain enforcement of section 4, any eligible individual who believes that an employer has failed or has refused to comply with the provisions of such section shall file a charge with the Secretary within 180 days of the failure or refusal. Upon receipt, the Secretary shall investigate the charge to determine if a reasonable basis exists for the charge.

(2) DISMISSAL OF CHARGE.—If the Secretary determines that there is no reasonable basis for the charge, the Secretary shall dismiss the charge and promptly notify the eligible individual and the employer named in the charge of the dismissal.

(3) ISSUANCE OF COMPLIANT.—If the Secretary determines that there is a reasonable basis for the charge, the Secretary shall issue a compliant based upon the charge and shall promptly notify the eligible individual of the issuance.

(4) ACTION.—If the Secretary issues a compliant under paragraph (3), the Secretary shall attempt to resolve the compliant with the employer through an informal con-

ference. If the Secretary is unable to resolve the compliant as a result of such informal conference the Secretary may—

(A) file a civil action in the United States district court for the district in which the eligible individual described in paragraph (1) sought reemployment; or

(B) dismiss the complaint with notice to the individual and the employer named in the charge.

(5) BURDEN OF PERSUASION.—In any civil action brought under paragraph (4) with respect to an eligible individual, the Secretary shall have the burden of persuasion that the individual—

(A) has satisfied the requirements in paragraph (1) through (5) of section 4(a); and

(B) is qualified to perform the duties and responsibilities described in section 4(e).

(6) REMEDY.—If a court finds, in an action brought under this subsection, that an employer has failed to comply with section 4 with respect to an eligible individual, the court may order the employer to comply with the provisions of such action and to compensate the individual for any loss of wages or benefits caused by the failure of the employer to comply with such action.

(b) ENFORCEMENT BY AN ELIGIBLE INDIVIDUAL.—

(1) ACTION.—If the Secretary issues a notice of dismissal to an eligible individual under subsection (a)(4)(B), the individual may bring a civil action in the United States district court for the district in which the individual sought reemployment.

(2) BURDEN OF PERSUASION.—An eligible individual who brings a civil action under this subsection shall have the burden of persuasion regarding the elements of described in subparagraphs (A) and (B) of subsection (a)(5).

(3) REMEDY.—

(A) COMPLIANCE OR COMPENSATION.—If a court finds, in an action brought under this subsection, that an employer has failed to comply with section 4, the court may order the employment to comply with the provisions of such section and to compensate the individual for any loss of wages or benefits caused by the failure of the employer to comply with such section.

(B) ATTORNEY'S FEES.—A court may award attorney's fees to the prevailing party in an action brought under this subsection, if the court determines that the award is appropriate.

SEC. 6. CONSTRUCTION.

The Act shall be construed—

(1) to grant an eligible individual any rights to a position with duties, responsibilities, seniority, status, benefits, or rates of pay beyond the rights possessed by the individual at the time the individual presented a notice to an employer under section 4(d)(1); or

(2) to impose on an employer any nonvoluntary obligation to provide training of any type, or to offer reemployment in any position, or at any other location, than that specifically stated in this Act.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS ACT, FISCAL YEAR 1992

MIKULSKI AMENDMENT NO. 1250

Ms. MIKULSKI proposed an amendment to the amendment of the House to the amendment of the Senate numbered 21 to the bill (H.R. 2519) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes, as follows:

In lieu of the matter proposed by the amendment of the House to the amendment of the Senate numbered 21, insert the following:

SEC. 101. (a) REGULATIONS FOR STANDARDS OF PERFORMANCE IN DEPARTMENT OF VETERANS AFFAIRS LABORATORIES.—(1) Within the 120-day period beginning on the date on which the Secretary of Health and Human Services promulgates final regulations to implement the standards required by section 353 of the Public Health Service Act (42 U.S.C. 263a), the Secretary of Veterans Affairs, in accordance with the Secretary's authority under title 38, United States Code, shall prescribe regulations to assure consistent performance by medical facility laboratories under the jurisdiction of the Secretary of valid and reliable laboratory examinations and other procedures. Such regulations shall be prescribed in consultation with the Secretary of Health and Human Services and shall establish standards equal to that applicable to other medical facility laboratories in accordance with the requirements of section 353(f) of the Public Health Service Act.

(2) Such regulations—

(A) may include appropriate provisions respecting waivers described in section 353(d) of such Act and accreditations described in section 353(e) of such Act; and

(B) shall include appropriate provisions respecting compliance with such requirements.

(b) REPORT.—Within the 180-day period beginning on the date on which the Secretary of Veterans Affairs prescribes regulations required by subsection (a), the Secretary shall submit to the appropriate Committees of the Congress a report on those regulations.

(c) DEFINITION.—As used in this section, the term "medical facility laboratories" means facilities for the biological, micro-biological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other physical examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on "Buying 'Green': Federal Purchasing Practices and the Environment," on Tuesday, October 8, 1991, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., October 2, 1991, to receive testimony from Elizabeth Moler and Branko Terzic, nominees to be members of the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 2, 1991, at 9:30 a.m. to hold confirmation hearings on Robert M. Gates to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, October 2, at 9:30 a.m., for a hearing on the subject: Government regulation of reproductive hazards.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 2, at 2 p.m. to hold a hearing on three State Department nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, October 2, 1991, at 9:30 a.m. to conduct a hearing on S. 1533, the Securities Investor Protection Act of 1991, and other issues relating to the statute of limitations for private lawsuits brought under the Securities Exchange Act of 1934.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to

meet during the session of the Senate on Wednesday, October 2, at 2 p.m. to hold a hearing on the nomination of Barbara A. Caulfield, of California, to be U.S. district judge for the Northern District of California. Ronald E. Longstaff, of Iowa, to be U.S. district judge for the Southern District of Iowa. John W. Longstrum, of Kansas, to be U.S. district judge for the District of Kansas. Terry R. Means, of Texas, to be U.S. district judge for the Northern District of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Wednesday, October 2, at 9:30 a.m. to hold a hearing on "Medicare Fund and Abuse: A Neglected Emergency?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 2, at 10 a.m. to hold a hearing on two maritime treaties and a State Department nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUTTE CELEBRATIONS

• Mr. BAUCUS. Mr. President, I rise today to honor the accomplishments of Butte Celebrations of Butte, MT. This nonprofit, volunteer organization has given the 37,000 citizens of Butte and Silver Bow County 35 years of vibrant, citywide festivities. Few things demonstrate the spirit and vitality of the Butte community like the Independence Day activities, sponsored each year by Butte Celebrations.

Fourth of July parades have been part of Butte's cultural tradition since 1876, when the residents of this young mining town gathered to celebrate our Nation's centennial. During this period, the silver and gold booms fostered great interest in Butte, and the small community grew and diversified. Easterners and immigrants settled here hoping to strike lodes of ore, and created an even richer vein of Butte culture, varied and unified at once, and vested with pride in a young, vigorous America.

As the town's population grew, so did its enthusiasm for community celebrations. The energetic Independence Day celebrations of the early 1900's established Butte as the center of Montana's Fourth of July activity. In 1937, the city of Butte began sponsoring the Independence Day parade, but by 1956, found financing difficult. Determined to maintain this part of Butte's heritage, several community members formed Butte Celebrations.

Thanks to much hard work and personal dedication, this Independence Day tradition has survived and flourished. Every year, people from all over Montana come to participate in the festivities, not only to commemorate the adoption of the Declaration of Independence, but to celebrate the unique, indomitable spirit of Butte. I congratulate the members of Butte Celebrations for making these spirited events possible.•

GWICH'IN PEOPLE OPPOSE ALASKAN OIL DEVELOPMENT

• Mr. WELLSTONE. I want to address a dimension of the national energy strategy that deserves serious attention in this body: The threat to the culture and way of life of the Gwich'in Indians posed by plans to open the Arctic National Wildlife Refuge [ANWR] to oil exploration and development.

I have had the honor of meeting with representatives of the Gwich'in people this past week, and I wish every Senator had been there to hear their story. They are a people who have lived in northeast Alaska and northwestern Canada for thousands of years—perhaps as long as 20,000 years. They are the most northern Indian peoples in the United States today, and there are only about 7,000 remaining people living in 17 small towns and villages in Alaska and the Yukon. They are truly an endangered native people.

The Gwich'in are a caribou people—most of their food comes from caribou hunting, and their entire culture and identity revolves around the caribou. They are as dependent on the caribou as the Plains Indians once were on the buffalo in the lower United States. And to put this question in some historical perspective, I would like to ask my fellow Senators what we would have done a century ago if the remaining chiefs had come to us and pleaded with us to stop the slaughter of buffalo. Would we have done it? If we had it to do over again, would we do it? Would we be willing to protect the buffalo from virtual extinction and prevent the destruction of Indian cultures in the West?

Today, we are faced with a similar question in regard to oil development in ANWR. The Gwich'in tribal leaders are adamantly against oil development on the 1002 Coastal Plain because they are convinced it will destroy the calving grounds of the Porcupine Caribou herd on which their whole way of life depends. The calving grounds are not just economically important to the Gwich'in people—they are sacred. They fear that any disturbance of this sacred area will lead to decline of the caribou herd and changes in migration patterns that will doom their way of life as well.

Consequently they have filed a lawsuit against the Secretary of the Interior on grounds that oil development in ANWR could deprive them of their inherent right to continue their own way of life, a right recognized by the International Covenant on Civil and Political Rights; and also on grounds that a full environmental impact statement has never been done on the 1002 area. I myself raised the issue of the inadequacy of the old 1002 report during committee markup, but I now realize that the issues go even deeper—they go to the very survival of native peoples threatened by ecological destruction. This is an issue of human rights.

The reply of those who want to develop the Arctic Wilderness no matter what is that enough studies have been done to be confident that development of oilfields does not significantly disrupt caribou migration and calving patterns, and that in fact, the experience of Prudhoe Bay and the Alaskan pipeline is that the caribou herds have multiplied since construction. They point to the growth of the central caribou herd in particular.

The Gwich'in people and others now challenge these claims. It is true that all caribou herds have grown in recent years, but they have observed that only the central herd that is impacted by the Prudhoe Bay developments has sharply declined in the past year or so. Gwich'in hunters have observed many dead and diseased animals, and a clear decline in successful calving this year. They are convinced that the same thing will happen to the Porcupine Herd if they are forced out of the 1002 area into less healthy calving grounds.

We have heard a lot about support for ANWR development by the Eskimos living in the village of Kaktovik on the north coast. Some of them have come down to Washington to testify also. But I have heard from many sources that the people of Kaktovik are, in fact, deeply divided over this, and that many are too intimidated to speak up against tribal leaders. Be that as it may, the Gwich'in people deserve at least an equal voice and they are solidly united against oil development. It is simply not true that the Native peoples support this.

The Gwich'in believe that if their way of life is changed by the oil companies, it can only be for the worse. The alternative to preserving their identity and way of life is a host of social problems that have beset other Indian communities, including alcoholism and welfare dependency. They do not want this—they are fighting for their most fundamental right to exist as an indigenous people who are an integral part of the landscape, of the unique ecology of this region.

We cannot condemn the Gwich'in as a people; we must respect their right to

survival. We cannot ignore their rights the way we did in the last century. We cannot sacrifice them for the greed of a few oil companies or for a few months' supply of oil.

This is one of the reasons I will oppose S. 1220, the so-called National Energy Security Act. I will speak on other reasons to oppose this bill later; but before we even think about other provisions, let us get our values straight. What is it that we as a nation aspire to be? What are our basic values? Have we learned anything in the past 100 years? Or are we doomed to repeat the mistakes of the past? I believe we must listen to what our elder brothers, the Gwich'in, are telling us and find a way to meet our energy needs without destroying this unique community of land, animals, and people.●

GREEN COUNTY COURTHOUSE CENTENNIAL

● Mr. KASTEN. Mr. President, I rise today to honor an important anniversary in Wisconsin's Green County. The Green County courthouse in Monroe, WI, is celebrating its centennial this year.

For 100 years, this building has been a witness to the history of Green County—a living symbol of justice and liberty.

Its predecessor, the first courthouse in Green County, burned to the ground in the early 1840's before it could actually be completed—setting the stage for the building of the wonderful edifice that exists today.

This facility was built for $52,390 by local masons. They used red brick from Maiden Rock, WI, from the basement of the building to its attic. In 1892, a tower clock was added which still graces the building—and the tower itself was reinforced with concrete in 1955.

In the 1980's, the community worked together to achieve the restoration and lighting of the courthouse steeple—showing that the courthouse is still a vitally important element in the public life of the area's residents.

The Green County courthouse is a true monument to the traditions and values of the men and women who built it—and those who carry on in their place. Since 1978, the courthouse has been on the National Register of Historic Places; it will be an important landmark for years to come.

I ask my Senate colleagues to join me in extending our warmest congratulations to all those who have worked hard to celebrate this important centennial—especially county clerk Michael Doyle, Donna Heiser, Mavis Robertson, Marilyn Neuenschwander, Gary Luhman, Steve Elmer, Jan Perry, and John Callahan.

They are keeping the faith with our forebears—and we own them all a vote of thanks.●

WILLIAM VON RAAB

● Mr. SIMON. Mr. President, during hearings on BCCI before the Senate Foreign Relations Subcommittee on Terrorism, Narcotics and International Operations, chaired by Senator JOHN KERRY, William von Raab brought up the name of Frank Mankiewicz as having worked for BCCI.

In a telephone conversation with Frank Mankiewicz, I mentioned having heard that, and he said there was absolutely no truth to it, and he had a letter from William von Raab stating that.

I ask to insert the William von Raab letter into the RECORD at this point.

The letter follows:

AUGUST 29, 1991.

Mr. FRANK MANKIEWICZ,
Washington, DC.

DEAR FRANK: In order to clear matters up, please understand that I do not have any information that Mr. Gray or you spoke to or contacted any official in either our federal government's executive or legislative branch on behalf of BCCI

Very truly yours,

WILLIAM VON RAAB.●

AIDS UPDATE

● Mr. CRANSTON. Mr. President, according to the Centers for Disease Control, as of August 31, 1991, 191,601 Americans have been diagnosed with AIDS; 121,196 Americans have died from AIDS; and 70,405 Americans are currently living with AIDS.

AIDS CONFERENCE

The 1992 International AIDS Conference, which had been scheduled for Boston, will be moved to Amsterdam. It is fortunate for hastening an end to this tragic disease that this important world conference will be held. It is unfortunate and embarrassing for the United States that our policy of preventing HIV-infected foreigners from visiting or immigrating to the United States has shut the door on a vital scientific effort. The political wrongheadedness of the Bush administration on the HIV immigration issue has diminished the U.S. contribution to the world effort to conquer AIDS.

BELINDA MASON

Mr. President, a member of the National Commission on AIDS, Belinda Mason, died recently. Belinda was a person with AIDS who devoted the last years of her life to serving persons, like herself, who suffered the ravages of AIDS. She acquired AIDS through a blood transfusion. Her reaction to learning that she had AIDS was to pledge what remained of her life to ending discrimination against people with AIDS. She fought for the rights of others. We have much to learn from her selflessness and from her love.●

EVALUATION OF EPA TO CABINET LONG OVERDUE

● Mr. WELLSTONE. Mr. President, I am delighted that we finally have an opportunity to elevate the Environmental Protection Agency to full Cabinet status. During my campaign last year, I called for this action as one of the top priorities in my environmental program. I have cosponsored S. 533 to indicate my strong support for this bipartisan legislation, which I believe is long overdue.

EPA was established by Executive order in 1970 and has lacked a statutory charter. In the past it has been too easily subject to political manipulation and attack, especially under the Reagan administration. For this reason alone, we need a permanent and equal seat for our chief environmental office at the Cabinet table.

EPA's functions and responsibilities have grown enormously—from administering four basic statutes 20 years ago, to carrying out some 15 major laws today that cover virtually the whole field of environmental protection. Its operating budget has increased more than tenfold, and compliance costs for EPA regulations are now estimated at nearly $100 billion annually. In many cases environmental issues cut across administrative jurisdictions and require interdepartmental cooperation. Elevating EPA to Cabinet level will help to give it the stature it needs to ensure Governmentwide attention to and coordination of Federal environmental policies.

In addition, EPA now plays a critical role in global environmental affairs, including the critical negotiations now in progress to achieve an international framework convention on climate change next year. The United States is the only major nation that does not have a Cabinet environment minister or secretary to represent our country in such negotiations. The Secretary of the Environment will be in a stronger position to exert U.S. leadership on this level.

We should be clear, however, that establishing USDE will not guarantee stronger or more effective environmental protection. As with other departments, it will only be as effective as the President and his office allow it to be. I hope there will not be the kind of political interference from the White House that we have recently seen at EPA. The USDE must have the independence and resources to present and analyze environmental data objectively and to act on the best science available. It must have the authority to do the kind of job the American people expect.

I urge my colleagues to join me in passing this landmark environmental legislation.●

FOR JAILED SCHOLAR, A WIFE'S DARING VOICE ON RIGHTS

• Mr. SIMON. Mr. President, in going through the newspapers that accumulated while I was on an overseas trip as chairman of the African Affairs Subcommittee, I came across the New York Times story of Hou Xiaotian, an incredibly courageous Chinese wife, whose husband is jailed for standing up for freedom at Tiananmen Square.

The government of the People's Republic of China [PRC] should understand that if anything happens to people like Hou Xiaotian, all the Chinese Government does is to create increasing antagonism toward the PRC.

The feeling of sympathy for the people of China, who yearn for freedom and democracy, is very strong in the United States. But that feeling will intensify if tolerance isn't shown for people with the uncommon bravery of Hou Xiaotian.

I insert the article into the RECORD. The article follows:

[From the New York Times, Aug. 24, 1991]

FOR JAILED SCHOLAR, A WIFE'S DARING VOICE ON RIGHTS

(By Sheryl WuDunn)

BEIJING, August 23.—Hou Xiaotian's face brightens with an innocent grin as she weaves her bicycle through the traffic. But her girlish demeanor belies a life these days composed more of tears than smiles, more of prison than family, and of memories of a husband whom she is not scheduled to be reunited with again until the year 2002.

Ms. Hou, 28 years old, has become virtually the only person in Beijing now who dares to speak out for human rights to the foreign press. She assumed the role after her husband, Wang Juntao, was sentenced in February to 13 years in prison for his role in the Tiananmen Square democracy movement.

"Why am I doing this?" she asked. "If I can speak freely, if this can take place in China, then it shows that China is making progress. I am nudging the Government. This is an opportunity and I must not abandon it."

Since April, her husband has been confined alone in a small jail cell where he eats, sleeps, and uses a toilet, Ms. Hou said. A scholar of economics, with a passion for democracy, he can barely read because of the dim light. His family said he suffers from hepatitis B, a potentially fatal ailment of the liver.

HUSBAND ON HUNGER STRIKE

Last week, Mr. Wang began a hunger strike as a protest against his treatment and in reponse to the authorities' decision not to allow Ms. Hun to visit him this month. Normally she is allowed one monthly visit for 30 minutes, but this month the session was cancelled—apparently because the authorities were annoyed at Ms. Hou's contacts with foreign journalists.

For more than a year, Ms. Hou's battle has focused on improving prison conditions for her husband, and she has repeatedly approached various officials in different Government departments to solicit help. She brought cakes and gifts to the prison doorsteps on his birthday, their wedding anniversary and the new year, but both she and her gifts were turned away.

The setbacks, she said, have taken a toll on her emotional and physical health. Earlier this summer, she became weary and severely depressed, crying every day, and she spent more than a month in the hospital.

"They are really villians, trying to exploit the love a woman has for her husband to attain to their means," Ms. Hou said in an appeal printed earlier this year by a human rights organization. The authorities wanted to know what she had told foreign reporters, threatening to reject the presents she had brought for her husband, she said.

SERVED 5 MONTHS IN PRISON

"I knew the life inside prisons because I had been inside one, and so I was very concerned about my husband ," the appeal continued. "How dare they blackmail me using this relationship and my feelings. They are really not human beings at all."

Ms. Hou was jailed for five months until April 1990 in a jail cell separated from the outside world by eight layers of doors or gates. The authorities charged that she helped her husband attempt to escape the law in the months after the June 1989 crackdown. She insists, however, that she did not help him. But now she suggests that she wished she had.

"I was full of despair and thought I would never come out," Ms. Hou said of her time in prison. "I know what my husband must be going through. He must be losing his respect. I have wronged him. In jail I thought that if I got out, I would help my husband."

Mr. Wang is just as concerned about his wife. When he first decided in July to begin a hunger strike, he told his parents in confidence, but not Ms. Hou, for fear she could not bear the news. After his trial in February, he sent a letter to his lawyers and closed with a request that they look after his wife for him.

ALLOWED TO PROVIDE MEDICINE

"Please help me comfort Xiaotian," he urged in the letter, which was later published by newspapers in Hong Kong. "Let her calm down, not to get into any more trouble, not to break any law, expecially not to become impolite to those who are handling my case. I still need her to help me in many things on the outside, so she must take care of herself."

For a long time, the authorities denied that Mr. Wang was ill, but finally in June, they admitted to his family that he had hepatitis and allowed them to bring him some medicine.

But the family has not been allowed to give him medicine regularly, and earlier this month the Government denied to a visiting United States Congressional delegation that Mr. Wang was sick. Mr. Wang apparently contracted hepatitis while he was being treated by injection for a toothache during his detention in Qincheng prison, family members said. In April, he was moved to Beijing No. 2 prison, as was another dissident, Chen Ziming, who was also sentenced to 13 years. The two men were detained in 1989, two years before their trial, and this period will count toward their jail terms.

"I speak about the most basic right of man, what God gave man—even though I don't believe in God—and I tell them that you must give back what man is born with," Ms. Hou said. "This is what I fight for."

"I CAN BE TAKEN IN ANYTIME"

She talks little about the shortcomings of socialism or of the need for freedom of the press and political reform, and says she believes that this may be one reason why the authorities have been relatively tolerant of her outspokenness. She is still concerned, however, that she could be detained or arrested at any moment, and one stark reminder of the risk came when Zhang Weiguo, a prominent journalist who spoke openly against the political system, was detained for three weeks this summer in Shanghai.

"I've been waiting for them to come get me," she said. "When Zhang Weiguo was detained, it made me realize what a thin tightrope I am walking on. I can be taken in anytime."

Eased out of her job in an employment center, she has no means of livelihood and no place to live. Instead, Ms. Hou, who has a graduate degree in psychology, moves from place to place, relying on handouts from friends who dare to help her as she continues to fight for her husband so that she can go on with her life.

"What I really want is a family, to be a housewife—a virtuous wife and a good mother," Ms. Hou said. "I want a child, but now I can't have one."•

TRIBUTE TO HINDMAN

• Mr. MCCONNELL. Mr. President, I rise today to make a few comments about Hindman, a small town hidden in the Appalachian Mountains of eastern Kentucky.

Hindman epitomizes the traditions of American small towns. The residents tend to "keep to themselves," and strangers seeing the town for the first time might not understand why the residents are so fond of it. It does not bother the residents that their town is not a main stop for tourists. In fact, they enjoy the peacefulness, and prefer to hold local events for themselves, where they can relax and celebrate the closeness of their town together.

Many people see Hindman as a needy town, and do not realize that charity flows out of Hindman as fast, if not faster, than it flows in. When Hurricane Hugo struck South Carolina, councilwoman Pat Calhoun appealed to the people of Hindman to send necessities to the hurricane-ravaged area. People, even those who really could not afford to, responded with vigor. "In no time * * * people were coming in with truckloads," she said.

Those who do not know the true spirit of Hindman may be surprised at such a response, and may think that Hindman will never have the excitement of a big city.

Mike Mullins, director of the Hindman Settlement School, has a different view of Hindman. He sees great prosperity in the future of the town. He perceives that the town will become one which people will want to visit. State Senator Benny Ray Bailey agrees. He foresees a time when small town workers are linked to large cities by satellites and computers, working with information, not auto parts.

Regardless of where the future of the town lies, it is unlikely that the future will be anything but bright. The people of Hindman have a great sense of pride in their town, one not likely to fade. Residents may leave the town from time to time, but there is that some-

thing special about Hindman which keeps drawing them back.

Because of this, and many other reasons, the residents of Hindman would never consider living anywhere else. It is a special town, linked by bonds which can only be described by the residents.

Mr. President, I would like to insert the following Hindman article from the Louisville Courier-Journal into the RECORD.

The article follows:

HINDMAN: I'VE TRAVELED A BIT YET I KEEP COMING BACK HERE LIKE IRON FILINGS TO A MAGNET

(By C. Ray Hall)

Looking supremely untroubled, the editor of the weekly Troublesome Creek Times stood in the middle of one of Kentucky's narrowest Main Streets. All around Ron Daley swirled the Gingerbread Festival, which he thought up 10 years ago. The sideshows included an albino raccoon, a Schwarzenegger-sized gingerbread man, and carnival games conducted under borrowed funeral-home tents.

Daley, undistracted, spoke with great wonder about his small wonder of an adopted hometown, Hindman.

"For a place this small to have a congressman, Chris Perkins . . . the chairman of the state Democratic party, Grady Stumbo . . . one of the most famous four-year colleges in the country, Alice Lloyd . . . James Still, Kentucky's most famous living writer . . . and Benny Ray Bailey, one of the most effective senators in Frankfort . . ."

He might have added: All this, and Bart Simpson, too.

Tiny Hindman's television station, TV 12, has just signed on to the Fox Network. It isn't every day that an albino raccoon and the Bart Simpson network come to the same town.

So far, however, the icons in Hindman are still the same as ever—preachers, politicians and basketball players. None is bigger then Carl Perkins, whose status stands on a narrow slit of land beside the court house, the right hand forever poised in midair, about to reach out to a constituent. To some folks who find the Perkins legend resistible, the hand out symbolizes a handout.

"Some people act like Carl Perkins reached into his own pocket and gave 'em the welfare money," harrumphs Christopher Columbus Slone, a former magistrate. "We've had a congressman from his town for 42 years, and yet there's no industry. Can you tell me why?"

The facile answer is that, in Kentucky, a town is more enriched by having a governor than a congressman.

But let's let Sen. Benny Ray Bailey, one of the most agile political thinkers in Hindman or anywhere else, field that one.

What is the most important thing you can do when you represent an area where people have trouble getting an education, people have trouble getting food on the table, where people have a devastating disease called black lung? What's the most important thing you can do for those people?" he says, listing, by inference, Perkins' concerns when he was in Congress, 1949–84.

"The second thing is, industry goes where industry wants to go . . . Prior to 10–12 years ago, we had a four- or five- hour trip to get to Lexington. Roads were very bad. The services we provided—of 435 Congressional districts, two in Kentucky ranked 434 and 435—and people want to know why can't you get industry to locate here?"

Even so, he notes, there are things government could have done, "Eastern Kentucky University should have been in Eastern Kentucky. What kind of difference would it have made in this area if Eastern Kentucky University had actually been located in East Kentucky?"

That sort of thing was left to other means and ends. Alice Lloyd, the emigre from Boston, founded her remarkable college just up the road in Pippa Passes. She was one of a wave of creative, committed educators who came to the mountains just after the turn of the century. Their followers came to be known as "brought-in people."

Bringing in people just isn't always that easy.

"People say, 'Why don't you put a hospital in Knott County?" Bailey notes. "We had trouble getting a pharmacist to come to Knott County."

There are four doctors, hailing from, as Bailey says, "Knott County, Knott County, Floyd County and Poland. About the same. Similar background, Except in Poland they still mine coal. We've quit.

With the coal industry producing ever more coal but ever fewer jobs—people are looking elsewhere. To tourism, for example. A planned lodge 14 miles away at Carr Fork Lake could help. But traditional industry seems a phantom.

"Today in Knott County," Bailey says, "if we had a industry . . . that came to us and said, 'We want to locate here; we need 20 acres of land with utilities,' we don't have it. There are things to do. And the county is moving toward providing those things."

Ah, utilities. A word that, in Hindman, carries as many shades of meaning as an Ibsen play, and just about as much anguish. Everybody has a horror story about the water-and-sewer system: The mayor, Kenneth Blair, a nominal defender of the system, says little good about it, especially when he's sloshing about in a creek at midnight, helping prepare a broken water main. Other detractors have included the Environmental Protection Agency, disgusted customers who drilled their own wells and people who bought $167,000 worth of bonds to pay for the system. Those folks are still waiting for their payday. "We've been in default 13 years," Blair notes.

To help retire that debt, which mounts by the day, Blair helped push through a local insurance tax this year, "We're not putting it all in the sewer," the mayor says, speaking both literally and figuratively.

Taxes are as popular in Hindman as anywhere, which is to say not at all. Local folks have not rushed to embrace the state's new school-reform act, especially the part that involves taxes. Rather than ante up, Knott County decided to anti up. That, and other intramural scuffles, make the school board meetings one of the county's best sideshows.

"In Knott County, we have a cynicism that compares with what goes on all over America," says Daley, the newspaper editor. "In this area, we've not got what we feel we should have and want to blame somebody."

But then everything in Knott County—as everybody says—is politics. Even the annual Gingerbread Festival, which Daley thought up 10 years ago, takes its name from old-time politicians' practice of handing out gingerbread to voters on the way to the polls. To Knott Countians, politics is like a grisly car wreck: You can't look and you can't look away.

"I've found that even though politics is so pervasive, people don't like it," Daley says. "They don't want to read about politics. . . . But at the same time, politics is probably the biggest hobby many people have. It's not the majority, but they're the ones who talk the loudest. If you told people they could never talk about politics again, there's a couple hundred of them that would just as soon go off and die."

Says councilwoman Pat Calhoun: "Politics, to me, stinks. I live in one of the most political places that ever was, and I am an elected official. But I have never campaigned. I have never asked anybody to vote for me and I don't ever intend to. They know me and if they want to vote for me, fine. If they don't, fine."

For some folks, politics, isn't a dirty word. Mike Mullins, director of the Hindman Settlement School, says: "I think there are some of us who experienced the '60s in a philosophical way, and who still have a sort of an idealism and still believe that we can make a difference. And we've made a commitment to these hills, to these mountains. We live here, we're trying to raise our children here."

He stays in Knott County not just because of commitment, he says, but comfort. "There's not one red light in Knott County. I like that fact. I've often said when they get a red light, I'm moving out; they're getting too many people here."

Mullins envisions a time when Hindman might become an artsy-craftsy tourist attraction "like L.L. Bean up in Maine, where people would say, 'We need to go there. You can get the best of the best.'"

Bailey, the senator, thinks the future in Knott County will be the same as it is everywhere: People will make a living doing what he calls "massaging information." He foresees a time when workers in Knott County, connected to Chicago or some other place by satellite and computer, work with information, not, say, auto parts.

Either way, it seems unlikely that Hindman will get so crowded that Mullins will have to move. The population is stable. "We lost five or six people in the census between 1980 and 1990," Blair notes.

Some of the staples are going, bit by bit, though. The town looks a lot like it did in the 1950s, but Young's Department Store just closed. The older generation remembers the homey atmosphere of Joe's Place, a restaurant where the teen-aged customers pitched in and helped when things got hectic. There are still some old reminders, with new names: Francis Family Drugs now goes by the name of Napier. (The pineapple milk shakes—thick and slushy and served the old-fashioned way in a glass with a frosty silver cup on the side—are worth a drive to Hindman.) The drug store also carries an astonishing array of potions to keep flies off horses—a tribute to the growing number of horse enthusiasts in the county.

Doubtless there are still some benighted folks—even fellow Kentuckians—who imagine Knott Countians galumph about the hills on horses, barefoot and bereft. James Still, the writer, tells of the well-meaning folks who sent clothes to the Hindman Settlement School that the "needy wouldn't be caught dead wearing," They also sent hundreds of books to the library, only three of which he judged worth keeping.

Charitable urges flow out of Knott County as easily as they flow in, perhaps more so. When Hurricane Hugo wracked South Carolina, councilwoman Pat Calhoun appealed for water, baby food, diapers and other staples for the hurricane victims.

"In no time . . . people were coming in with truckloads," she says. "People really

that could not afford to do. . . . The senior citizens brought quilts—new quilts that you could sell for $400-600—and sent them to these people. It just gives you a good feeling to know you live among this type of people."

Because of that, and other reasons, a great many people in Hindman blanch at the idea of living anywhere else.

"I don't know of any place that's more exciting to live in the world than right at the forks of Troublesome Creek," Mullins says. "Mr. Still, the writer . . . said one time that Knott County might not be the easiest place to live in, but it's the best place to live."

"Mr. Still" will get the last word here. In his latest book, "The Wolfpen Notebooks," Still explains why he has lived in or around Hindman for the last 60 years.

"It's a rare day when I'm out and about that I fail to hear something linguistically interesting. I go to the post office and I'll hear somebody say something that's of interest to me. That has a lot to do with why I live her. Of course, there are other reasons. I've traveled a bit yet I keep coming back here like iron fillings to a magnet. Here we are more conscious of the individual. Everybody is somebody."

Population: Hindman, 900; Knott County, 17,906.

Per capita income: (1988) Knott County, $8,203, or $4,539 below the state average.

Knott County jobs: (1988) Mining & quarrying, 1,477; State/local government, 632; Services, 442; Retail/Wholesale, 322; Manufacturing, 29.

Big non-government employers: Alice Lloyd College (Pippa Passes) 115 employees; Casey's IGA, 44; TV Service and United Cable, 30; Thacker-Grigsby Telephone Company, 25.

Education: Knott County Schools, 3,665 students; Knott County Area Vocational Education Center, 235; June Buchanan School, Pippa Passes, 188; Alice Lloyd College, Pippa Passes, 548.

Media: Newspaper: Troublesome Creek Times (weekly). Radio: WKCB-AM (1340) and FM (107.1) contemporary hits. Television: TV-12, local Fox affiliate, plus 27 other cable channels whose offerings include three network stations from Lexington, Ky., and one from Johnson City, Tenn.

Transportation: Air: Nearest facility with regular commercial service, Huntington, W.Va., 114 miles. Rail: None (Nearest facility, Hazard, 20 miles). Water: None. Truck: Seven lines serve Hindman.

Topography: Hindman lies in a narrow valley at the forks of Troublesome Creek, one of several creeks—but no rivers—that run through the mountainous county. Locals point out that Knott is the only Kentucky county untouched by a river.

FAMOUS FACTS AND FIGURES

Hindman's Thacker-Grigsby Telephone Company, bought for $162 in 1919, is one of only three family-owned phone companies in Kentucky. (The others are in Harold and Brandenburg). When Robert Thacker took over the company in 1950, it had 60 customers. Today it has 8,000.

In a state noted for basketball, Knott County is one of the most notable strongholds. The 1928 Carr Creek team played in the national tournament in Chicago. The school's 1956 team, coached by Morton Combs, won the state championship. So did the 1943 Hindman team, coached by Pearl Combs. Both those schools are now part of Knott County Central High.

In 1988, 46 percent of all jobs in Knott County were in coal mining. And 43 percent of all personal income comes from government. That ranks it 12th in the state.

Knott County's Hall of Fame includes the late Congressman Carl Perkins, educator Alice Lloyd and 85-year-old author James Still. The list includes 11 educators, six politicians, three doctors, three writers, three basketball coaches and Bertha Gayheart. "She's just a good Old Regular Baptist lady that attends all the funerals," says Hall of Fame curator Ron Daley. "It's not just for the bigwigs."•

HOW VAST THE WASTELAND NOW

• Mr. SIMON. Mr. President, one of the more stimulating people in this country and a public servant in a great many ways over these years is Newton N. Minow, who served as the Chairman of the Federal Communications Commission under John F. Kennedy. I'm proud to have him as a citizen of Illinois, and all of us should be proud to have him as one of America's leaders.

On May 9, 1961, he made a talk about television, calling it a vast wasteland. That speech stimulated a huge amount of discussion and is referred to frequently yet to this day.

Thirty years later, he gave a talk at the Gannett Foundation Media Center at Columbia University, a talk that didn't get as much attention as his vast wasteland speech, but which contains just as much common sense.

At one point in his remarks he says, "I think the most troubling change over the past 30 years is the rise in the quantity and quality of violence on television. In 1961, I worried that my children would not benefit much from television, but in 1991 I worry that my grandchildren will actually be harmed by it."

I mention this because the television industry now has an exemption from the antitrust laws signed into law by the President, for which I had the honor to be the chief sponsor. Both the broadcasting side of television and the cable side of television have had meetings on the question of violence, but I would be fooling my colleagues if I sensed that very much was happening in a positive direction. I hope I am wrong.

We should not have to have the heavy club of government to make sensible changes that would serve the public well. In Newton Minow's speech he quotes Bill Baker, president of Thirteen/WNET, who has been in both commercial and public television, who said: "To aim only at the bottom line is to aim too low. Our country deserves better." I urge television executives to note that.

A point that Newt Minow makes is that public television deserves more support than it now receives. Perhaps I am the only Member of the Senate who does not like the fact that public television has to rely on commercial sponsors in order to survive. That has, in my opinion, had a harmful effect on public television.

Mr. Minow calls on this nation to provide free air time to political candidates and parties. The abuses that are taking place because of raising money for television commercials are all too widely known to every Member of the Senate, yet we fail to do anything about it.

There is more good sense in the Newt Minow address, and I urge my colleagues to read it. I ask to insert Newton Minow's address into the RECORD at this point.

The address follows:

HOW VAST THE WASTELAND NOW?

(Address by Newton N. Minow)

After finishing that speech to the National Association of Broadcasters (NAB) thirty years ago today, I remained near the podium talking with LeRoy Collins, a former governor of Florida who was serving as NAB president. A man from the audience approached us and said to me, "I didn't particularly like your speech." A few moments later the same man returned with, "The more I thought about it, your speech was really awful." A few minutes later he was back a third time to say, "Mr. Minow, that was the worst speech I ever heard in my whole life!"

Governor Collins gently put his arm around me and said, "Don't let him upset you, Newt. That man has no mind of his own. He just repeats everything he hears."

Thirty years later I still hear about that speech. My daughters threaten to engrave on my tombstone "On to a Vaster Wasteland."

My old law partner, Adlai E. Stevenson, loved to tell a favorite story about the relationship between a fan and a fan dancer: There is really no intent to cover the subject—only to call attention to it. Like a fan dancer, it is not my intent today to cover every part of that speech, but rather to use its anniversary to examine, with thirty years' perspective, what television has been doing to our society and what television can do for our society.

Thirty years cannot be covered fully in thirty minutes, but let us begin by reminding ourselves of the times, circumstances and optimistic spirit of the Kennedy administration in the early '60s. What was broadcasting like at that stage of development?

President Kennedy started off with a dream of a New Frontier, but made a major blunder on April 17, 1961, at the Bay of Pigs. A few weeks later, on May 5, there was a great triumph: the successful launch of the first American to fly in space, Commander Alan Shepard. Commander Shepard returned from his flight to meet President Kennedy and Congress on May 8. On the same day, President Kennedy was to speak to the National Association of Broadcasters and invited me to accompany him when he gave his speech. I was to meet him outside the Oval Office in the morning and to ride with him to the Sheraton Park Hotel.

As I waited there, President Kennedy emerged and said, "Newt, how about taking the Shepards with us to the broadcasters?" Of course, I said, and the president went back into his office to make the arrangements. He returned to say, "It's all set. Now come with me, I want to change my shirt. And what do you think I should say to the broadcasters?"

Although I had known Jack Kennedy before he was president, it was the first time that I was in the bedroom of the president of the United States watching him change shirts and being asked to advise him on what to say. Nervously, I mumbled something

about the difference between the way we handled our space launches compared to the Soviets: that we invited radio and television to cover the events live, not knowing whether success or failure would follow. On the other hand, the Soviets operated behind locked doors. President Kennedy nodded, took no notes, and led me back to his office, where Commander and Mrs. Shepard and Vice President Lyndon Johnson were waiting. We went out to the cars. The vice president and I ended up on the two jump seats in the presidential limousine, with the president and the Shepards in the back seat in an ebullient mood as we rode through Rock Creek Park. After we arrived, President Kennedy gave a graceful, witty, thoughtful talk about the value of an open, free society, exemplified by the live radio and television coverage of Commander Shepard's flight. The broadcasters responded with a standing ovation.

The next day I returned to that same platform for my first speech as chairman of the Federal Communications Commission. Many people think I should have asked President Kennedy to watch me change my shirt and give me advice on my speech because, as you know, the audience did not like what I had to say.

In that speech, I asked the nation's television broadcasters "to sit down in front of your television set when your station goes on the air and stay there without a book, magazine, newspaper, profit-and-loss sheet or rating book to distract you—and keep your eyes glued to that set until the station signs off. I can assure you that you will observe a vast wasteland.* * *

"Is there one person in this room who claims that broadcasting can't do better? * * * Your trust accounting with your beneficiaries is overdue."

That night, at home, there were two phone calls. The first was from President Kennedy's father, Joseph Kennedy. When I heard who was calling I anticipated sharp criticism; instead Ambassador Kennedy said, "Newt, I just finished talking to Jack and I told him your speech was the best one since his inaugural address on January 20th. Keep it up; if anyone gives you any trouble, call me!" The second call was from Edward R. Murrow, then director of the U.S. Information Agency. He said, "You gave the same speech I gave two years ago. Good for you—you'll get a lot of heat and criticism, but don't lose your courage!"

Those two calls gave me the backbone I needed.

What was the situation at the time? In the late '50s, scandals damaged both the FCC and the television industry. President Eisenhower had to replace an FCC chairman who had accepted lavish entertainment by industry licensees. Broadcasters had to explain quiz show and payola scandals in congressional hearings. Television was still new—in its first generation of programming. The word "television" did not yet appear in the Federal Communications Act.

While at the FCC, we followed two fundamental policies: 1) to require that broadcasters serve the public interest as well as their private interest, and 2) to increase choice for the American home viewer. In the long run, we believed that competition was preferable to governmental regulation, especially where a medium of expression was involved. So we worked to open markets to new technologies, to help build a noncommercial television alternative and to provide educational opportunities through television. Satellites, UHF, cable—we encouraged them all.

Today that 1961 speech is remembered for two words—but not the two I intended to be remembered. The words we tried to advance were "public interest." To me, the public interest meant, and still means, that we should constantly ask: What can television do for our country?—for the common good?—for the American people?

Alexis de Tocqueville observed in 1835: "No sooner do you set foot on American soil than you find yourself in a sort of tumult * * * all around you everything is on the move." What would Tocqueville have said about the explosive expansion of telecommunications—particularly the electronic media—during the thirty years between 1961 and 1991?

In 1961 there were 47.2 million television sets in American homes; by 1990 that number had more than tripled, to 172 million. Fewer than 5 percent of the television sets in 1961 were color; in 1990, 98 percent of American homes receive television in color. Cable television, which started by bringing television to people who could not receive signals over the air, now brings even more television to people who already receive it. In 1961, cable television served just over a million homes; now it reaches more than 55 million. Between 1961 and 1991, the number of commercial television stations in America doubled, from 543 to 1,102. Noncommercial—now called public—television stations quintupled from 62 to 350.

Americans spend more time than ever watching television. Since 1961 the U.S. population has risen from 150 million to 245 million, and the amount of time Americans spend watching television has skyrocketed from 2.175 hours a day to a staggering 7.3 hours per day. In 1961, television viewers spent more than 90 percent of their viewing time watching the three commercial networks; today that figure is around 62 percent.

While the U.S. government slipped from a $3 billion surplus in 1960 to a deficit of more than one hundred sixty-one billion dollars today, total advertising revenues for the television industry rose twentyfold in the same period, from $1.2 billion to $24 billion. In 1961 cable advertising revenues were zero; in 1988 cable advertising revenues were $1.16 billion. And cable subscribers, who paid an average of $4 per month in 1961, today pay around $25 for cable service. Cable subscriptions accounted for revenues of $51 million in 1961; now they amount to almost $20 billion.

Video revenue in the movie industry, which was zero thirty years ago, is now $2.9 billion—more than $700 million larger than current movie theater receipts. VCRs—unavailable commercially in 1961—are now in more than 58 million American homes.

Children today grow up with a remote control clicker, cable and a VCR. Former NBC President Bob Mulholland, who now teaches at Northwestern University's Medill School of Journalism, says that these children don't remember the days when televison signals came to the home through the air to an antenna on the roof as God and General Sarnoff intended. My own children used to say, "Is it time for the 'Mickey Mouse Club' yet?" My grandchildren say, "Can I watch the tape of Peter Pan again?"

Today, new program services like CNN, C-SPAN, HBO, Showtime, Disney, Nickelodeon, Discovery, Lifetime, Arts and Entertainment, ESPN, USA, TNT, Black Entertainment TV, Bravo, Cinemax, TBS, Home Shopping, Weather Channel, Univision, CNBC, Galavison, Nashville, MTV, FNN, American Movie Channel—and even more—enter the home by wire for those who can pay the monthly cable bill. Choice has skyrocketed. The VCR means you can watch a program when you want to see it, not just when the broadcaster puts it on the schedule. If you are a sports fan, a news junkie, a stock market follower, a rock music devotee, a person who speaks Spanish, a nostalgic old-movie buff, a congressional hearing observer, a weather watcher—you now have your own choice. The FCC objective in the early '60s to expand choice has been fulfilled—beyond all expectations.

Yet, to many of us, this enlarged choice is not enough to satisfy the public interest. There are several reasons. Although some viewers have gone from a vast emptiness to a vast fullness, others have been excluded. Choice through cable comes at a price not all can afford, and cable is still not available to the entire nation. (Where I live in Chicago, we did not receive cable service until last year, and of course many parts of New York City and Washington, D.C., do not have cable either.) And as CBS President Howard Stringer said in a speech at the Royal Institution in London last year, "We see a vast media-jaded audience that wanders restlessly from one channel to another in search of that endangered species—originality * * * more choices may not necessarily mean better choices."

One evening as I watched, with my remote control in hand, I flipped through the channels and saw a man loading his gun on one channel, a different man aiming a gun on a second, and another man shooting a gun on a third. And if you don't believe me, try it yourself. Remember Groucho Marx's advice: "Do you believe me or your own eyes?" I think the most troubling change over the past 30 years in the rise in the quantity and quality of violence on television. In 1961 I worried that my children would not benefit much from television but in 1991 I worry that my grandchildren will actually be harmed by it. One recent study shows that by the time a child is 18 he has seen 25,000 murders on television. In 1961 they didn't PG-13 movies, much less NC-17. Now a 6-year-old can watch them on cable.

Can this be changed where television is concerned? My own answer is yes. If we want to, we can provide the American people with a full choice, even if the marketplace does not meet the demands of the public interest. I reject the view of an FCC chairman in the early '80s who said that "a television set is merely a toaster with pictures." I reject this ideological view that the marketplace will regulate itself and that the television marketplace will give us perfection. The absolute free market approach to public good has been gospel in our country in the case of the savings and loan industry, the airline industry, the junk bond financing industry, and in many other spheres of commerce and common interest. If television is to change, the men and women in television will have to make it a leading institution in American life rather than merely a reactive mirror of the lowest common denominator in the marketplace. Based on the last thirty years, the record gives the television marketplace an A+ for technology, but only a C for using that technology to serve human and humane goals.

Bill Baker, president of Thirteen/WNET here in New York (and like me a veteran of both commercial and public television) said it all in two short sentences: "To aim only at the bottom line is to aim too low. Our country deserves better." Felix Rohatyn, a star of the marketplace, was on target when he said, "Though I believe the marketplace

knows best most of the time, I am skeptical that it should always be the ultimate arbiter of economic action, and I am more than willing to interfere with it when it becomes a distorting rather than a benign influence."

In the last thirty years, the television marketplace has become a severely distorting influence in at least four important public areas. We have failed 1) to use television for education; 2) to use television for children; 3) to finance public television properly; and 4) to use television properly in political campaigns.

First, education. Suppose you were asked this multiple-choice question: Which of the following is the most important educational institution in America? (a) Harvard, (b) Yale, (c) Columbia, (d) the University of California, (e) none of the above. The correct answer is e. The most important educational institution in America is television. More people learn more each day, each year, each lifetime from television than from any other source. All of television is education; the question is, what are we teaching and what are we learning? Sometimes, as in the case of the splendid Annenberg/CPB-sponsored educational course on the Constitution (created here at Columbia by Professor Fred Friendly), we see what television can do to stretch the mind and the spirit. In Ken Burns' brilliant programs about the Civil War, millions of Americans learned more about that terrible period in American history than they ever learned in school. We are slowly doing better each year in using television for education, but too much of the time we waste television's potential to teach—and viewers' to learn.

Second, television for children. Bob Keeshan, our Captain Kangaroo for life, has seen how television for children all over the world is designed to be part of the nurturing and educational system. But "in America," he says, "television is not a tool for nurturing. It is a tool for selling." True, there are glorious exceptions like Joan Cooney's work, starting with "Sesame Street." But far too often television fails our children. And it fails them for more hours each day than they spend with a teacher in a classroom.

Competition, it is said, brings out the best in products and the worst in people. In children's television, competition seems to bring out the worst in programs and the worst in children. Children lack purchasing power and voting power, and the television marketplace and the political process have failed them. Cooperation instead of competition—among broadcasters and cable operators—could do wonders for children. Congress last year and the FCC this year have finally started to address these issues, and the attention is long overdue. If they would give the same time and attention to policies for children's television as they give to industry fights about the financial interest and syndication rules, our children would begin to receive the priority concern they deserve.

Third, public television should become just as much a public commitment as our public libraries, hospitals, parks, schools and universities. Yet it is a stepchild, struggling to provide outstanding public service while remaining in the role of a perpetual beggar in the richest country in the world. We have failed to fund a strong independent alternative to commercial television and thus failed, in Larry Grossman's words, to "travel the high road of education, information, culture and the arts."

There are many ways to establish a sound economic base for public broadcasting. For example, Congress could create a spectrum-use or franchise fee for all commercial broadcast and cable operators to fund public broadcasting on a permanent basis. If this were set in the range of a 2 percent annual fee on broadcasting and cable's $50 billion total annual revenues, it would produce about $1 billion a year. Even at that figure, we'd still be behind Japan. If we added $5 as a tax on the sale of new television sets and VCRs and earmarked the funds to match private contributions to public broadcasting, we could catch up to Japan—which now spends twenty times as much per person for public broadcasting as we do!

Finally, the use of television in political campaigns. Studies of the 1988 campaign show that the average block of uninterrupted speech by a presidential candidate on network newscasts was 9.8 seconds; in 1968 it was 42.3 seconds. As Walter Cronkite observed, this means that "issues can be avoided rather than confronted." And David Halberstam adds, "Once the politicians begin to talk in such brief bites. . . they begin to think in them."

A United States senator must now raise $12,000 to $16,000 every week to pay for a political campaign, mostly to buy time for television commercials. A recent United Nations study revealed that only two countries, Norway and Sri Lanka (in addition to the United States) do not provide free airtime to their political parties. If we are to preserve the democratic process without corrupting, unhealthy influences, we must find a bipartisan way to provide free time for our candidates and stop them from getting deeply in hock to special interests in order to pay for television commercials.

More than twenty years ago, I served on a bipartisan commission for the Twentieth Century Fund which recommended the concept of "voters' time" for presidential candidates. Voters' time would be television time purchased with public funds at half the commercial-time rates and given to candidates. In exchange, we would prohibit by law the purchase of time by the candidates. And while we're at it, we should institutionalize the presidential debates—make them real debates by eliminating the panels of journalists. And we should clean up our political campaigns—once and for all.

In these four areas, the television marketplace has not fulfilled our needs and will not do so in the next thirty years. These four needs can be met only if we—as a nation—make the decision that to aim only at the bottom line is to aim too low. If we still believe in the concept of the public interest, we can use television to educate, we can stop shortchanging our children, we can fund public broadcasting properly, and we can provide free television time for our political candidates. My generation began these tasks, and the time has now come to pass the responsibility on to the next generation—the first generation to grow up with television.

What will happen in television in the next thirty years—from now until 2021? As Woody Allen says, "More than any other time in history, mankind faces a crossroads. One path leads to despair and hopelessness. The other to total extinction. Let us pray we have the wisdom to choose correctly."

In the next thirty years, four main forces—globalization, optical fiber, computers and satellite technology will illuminate the crossroads.

Today's able FCC chairman, Al Sikes, is wisely trying to keep public policy in pace with rapidly changing technologies. As Al observes, "Today we can see the new world. . . . in it, tomorrow's communications networks will be dramatically improved. Copper and coaxial cables are giving way to glass fibers, and wavelengths are being replaced by digits. . . ."

Well before 2021, I believe there will be convergence of the technologies now used in telephones, computers, publishing, satellites, cable, movie studios and television networks. Already we see tests of optical fiber demonstrating the future. In Montreal tonight, a home viewer watching the hockey game on television can use his remote control to order his own instant replay, order different camera angles—and become his own studio director. In Cerritos, California, a viewer today can participate in an experiment to summon any recorded show at any time, day or night; and he can stop it, rewind it, or fast forward it.

Here in New York City, Time Warner is building a two-way, interactive cable system with 150 channels. People will be able to order any movie or record album ever produced and see and hear it when they themselves want to see and hear it. We see 400- and 500-channel systems on the horizon, fragmenting viewership into smaller and smaller niches, and we need to remember that for all their presumed benefits these developments undermine the simultaneous, shared national experiences that comprise the nation's social glue.

At the Annenberg Washington Program of Northwestern University, we are developing a blueprint for the future of optical fiber. As this new technological world unfolds, the risk remains that we will create information overload without information substance or analysis, of more media with fewer messages, of tiny sound bites without large thoughts, of concentrating on pictures of dead bodies instead of thinking human beings. Henry Thoreau warned us more than 125 years ago: "We are in great haste to construct a magnetic telegraph from Maine to Texas; but Maine and Texas, it may be, have nothing important to communicate."

When we launched the first communications satellite in 1962, we knew it was important—but we had little understanding of its future use. I did tell President Kennedy that the communications satellite was more important than launching a man into space, because the satellite launched an idea, and ideas last longer than human beings. The last thirty years have taught us that satellites have no respect for political boundaries. Satellites cannot be stopped by Berlin Walls, by tanks on Tiananmen Square or by dictators in Baghdad. In Manila, Warsaw and Bucharest, we saw the television station become today's Electronic Bastille.

Thirty years is but a nanosecond in history. If President Kennedy were alive today, he would celebrate his 74th birthday later this month. He would be seven years older than President Bush. He would be astonished by the technological changes of the past thirty years, but he would be confident that the next thirty years will be even more advanced.

Before he was elected president, John F. Kennedy once compared broadcasters and politicians in these words, "Will Gresham's law operate in the broadcasting and political worlds, wherein the bad inevitably drives out the good? Will the politician's desire for reelection—and the broadcaster' desire for ratings—cause both to flatter every public whim and prejudice—to seek the lowest common denominator of appeal—to put public opinion at all times ahead of the public interest? For myself, I reject that view of politics, and I urge you to reject that view of broadcasting."

I went to the FCC because I agreed then and agree now with President Kennedy's philosophy of broadcasting. As I think back about him, and also think of our future, I propose today to the television and cable industries: Join together to produce a unique program to be on all channels that will have enduring importance to history. Seldom in history have we had five living American presidents at the same time: Right now, Presidents Reagan, Carter, Ford and Nixon are with us, in addition to President Bush. You can bring all of them to the Oval Office in the White House to discuss their dreams of America in the 21st century, and you can give every American the opportunity to see and hear this program and to share a vision of our future.

The '60s started with high hopes, confronted tragedy and ended in disillusion. Tragically, our leaders—President John F. Kennedy, Reverend Martin Luther King Jr. and Pope John XXIII, left too soon. We cannot go back in history, but the new generation can draw upon the great creative energy of that era, on its sense of national kinship and purpose, and on its passion and compassion. These qualities have not left us—we have left them, and it is time to return.

As we return, I commend some extraordinary words to the new generation. E.B. White sat in a darkened room in 1938 to see the beginning of television—an experimental electronic box that projected images into the room. Once he saw it, Mr. White wrote: "We shall stand or fall by television—of that I am sure * * * I believe television is going to be the test of the modern world, an that in this new opportunity to see beyond the range of our visions, we shall discover either a new and unbearable disturbance to the general peace, or a saving radiance in the sky."

That radiance falls unevenly today. It is still a dim light in education. It has not fulfilled its potential for children. It has neglected the needs of public television. And in the electoral process it has cast a dark shadow.

This year, television enabled us to see Patriot missiles destroy Scud missiles above the Persian Gulf. Will television in the next thirty years be a Scud or a Patriot? A new generation now has the chance to put the visions back into television, to travel from the wasteland to the promise land, and make television a saving radiance in the sky.●

THE C-17

● Mr. D'AMATO. Mr. President, considering the hurricane of self-congratulation blowing out of Long Beach, you would have thought that the first flight of the McDonnell Douglas C-17 was only a year behind schedule, instead on an actual 19 months late. The publicity whirlwind reached an Orwellian peak when a McDonnell Douglas employee was quoted, unchallenged, as saying that the interminable delays preceding first flight would be justified now by an unusually rapid and successful flight test program, as though the C-17 team was doing us a favor by playing havoc with the aircraft's schedule.

To add a note of sobriety to the giddy goings-on, let me point out two articles that appeared respectively in Aviation Week & Space Technology and the Wall Street Journal, European edition, on September 23, 1991: "Second C-17 Mission Cut Short Following Flight Control System Faults" and "McDonnell Douglas Finds Glitch in C-17 Cargo Plane."

I commend these articles to my colleagues, and ask that the full text of both articles be printed in the RECORD immediately after my remarks.

The Articles follow:

[From Aviation Week & Space Technology, Sept. 23, 1991]

SECOND C-17 MISSION CUT SHORT FOLLOWING FLIGHT CONTROL SYSTEM FAULTS

EDWARDS AFB, CA.—A second C-17 test mission on Sept. 18—expected to last about 4 hr.—was cut to 41 min. when flight control system (FCS) faults appeared. The quadruple-redudant system continued to function, but program officials elected to curtail the flight as a safety precaution.

FCS faults were triggered when the third flight control computer (FCC No. 3) sensed that it was receiving invalid data.

The same FCC was involved in three FCS fault alerts during the first flight, as well. Test force officials said the computer would be replaced.

Although there was no confirmed relationship with FCC No. 3 problems, the No. 2 air data computer was "intermittent" and also will be replaced according to Frank N. Lucero, deputy director of the C-17 Combined Test Force.

The left inboard segment of a leading edge slat failed to deploy fully during the second flight. Douglas engineers were inspecting the slat system late last week to decide what action to take before the third C-17 flight, which was scheduled for Sept. 20.

Landing gear inspections after the transport's first flight determined that the nose gear had not been damaged when it halted during retraction, and no adjustment was made (see p. 18). During the second test mission, first flight conditions were duplicated, but the gear retracted normally, Lucero said.

[From the Wall Street Journal (European edition), Sept. 23. 1991]

MCDONNELL DOUGLAS FINDS GLITCH IN C-17 CARGO PLANE

(By David J. Jefferson)

NEW YORK.—A week of flight testing has disclosed a problem in the flight-control system of McDonnell Douglas Corp.'s new C-17 air force cargo plane, which finally got off the ground a year late and several million dollars over budget.

But company engineers "have a pretty good idea of what the problem is" and are working to correct it, said Len Impellizzeri, vice president and general manager of the C-17 development-program.

The problem, which required resetting the C-17s flight-control computers, was detected during the plane's inaugural flight Sept. 15 from Douglas Aircraft facilities in Long Beach, California to Edwards Air Force Base. The problem reappeared in a second test flight Wednesday but wasn't present in the third flight Friday, a company spokesman said. The problem hasn't grounded the plane because the computer system is "quad redundant," meaning that if a problem is detected in any of the four flight-control and air-data computers in the system, the workload is transferred to the others, Mr. Impelizzeri said.

Despite the glitch, the C-17 performed "just as we expected" in its first three flight tests last week, Mr. Impellizzeri said. Pilots flew a total of four hours and 16 minutes on three separate missions. On Friday, they documented flight-handling qualities at various altitudes, speeds and configurations and checked out the plane's emergency backup systems.

"The purpose of the flight-test program is to verify the integrity and operating characteristics of the aircraft and correct any problems before the aircraft becomes operational," said Tom Ryan, vice president and general manager of product support for the C-17. A team comprising people from McDonnell Douglas and U.S. air force, army and marine corps personnel will test the cargo plane in some 600 flights over the next two years.

The first C-17 is scheduled to be delivered to the Military Airlift Command in late 1992, with initial operational capability in late 1994. The plane, which is the first four-engine cargo plane featuring a two-member cockpit and an all-digital "fly-by-wire" electric flight-control system, is designed to succeed the Lockheed Corp. C-5A as the U.S. air force's cargo workhorse.

St. Louis-based McDonnell Douglas was allotted $6.6 billion to develop the plane and manufacture six production aircraft and must pay any expenses over that amount.●

STILL KOWTOWING TO THE CHINESE

● Mr. SIMON. Mr. President, one of the most impressive legislators anywhere in the world is Martin C.M. Lee, who is chairman of the United Democrats of Hong Kong, that colony's largest political party.

The future for freedom in Hong Kong is not as good as it ought to be, in part because Great Britain is not standing up for democracy as fully as British traditions suggest, and in part because the United States seems too eager to please both Great Britain and the People's Republic of China.

I urge my colleagues to read his comments that appeared in the New York Times and the St. Louis Post-Dispatch, and I ask to insert the article into the RECORD at this point.

The article follows:

[From the St. Louis Post-Dispatch, Sept. 6, 1991]

STILL KOWTOWING TO THE CHINESE

(By Martin C.M. Lee)

When Prime Minister John Major of Britain arrived in Hong Kong Wednesday after a visit to Beijing, he did not receive a warm welcome.

The people of Hong Kong understand that working relations between Britain and China are vital if the transfer of sovereignty over the territory in 1997 is to proceed smoothly. Yet the Chinese-British relationship amounts to British appeasement of Beijing's demands for control over Hong Kong and to Britain's selling out of the interest of the people of Hong Kong.

The new memorandum of understanding signed on Tuesday by Major and Prime Minister Li Peng of China contrasts sharply with the 1984 joint declaration on Hong Kong that called for democracy and autonomy.

In that declaration, China guaranteed that after 1997 "Hong Kong people would rule Hong Kong" through an elected legislature and enjoy full autonomy except in defense

and foreign affairs. At the same time, Britain promised to establish a democratic government that would be strong enough to survive 1997.

Sadly, Major's visit signifies that a seven-year retreat from the joint declaration has become a rout. In February 1990, Britain secretly promised China it would not allow for the democratic election of more than one-third of the Hong Kong legislature before the 1997 transfer of sovereignty. Thus, Hong Kong's first democratic elections, on Sept. 15, will be for only 18 of the legislature's 60 seats.

Moreover, the agreement signed on Tuesday provides that London and Beijing—rather than Hong Kong—will jointly award major contracts and franchises in the territory's huge port and airport development. For the first time, China will be given the opportunity to appoint its own representatives to an executive government body in Hong Kong, the airport authority. And Tuesday's agreement was negotiated without participation by any Hong Kong representatives.

The obvious question is: Why is Britain so willing to collaborate with the dictators in Beijing and deny democracy to Hong Kong.

The answer is twofold:

First, Britain wants to maintain cooperation with China and secure advantages for British companies there. Britain foolishly believes that appeasing Beijing will lead to greater cooperation in the period before the 1997 transfer of sovereignty.

Second, the British Foreign Office is terrified of the challenge that a representative legislature in Hong Kong would pose to the British colonial administration in Hong Kong. Britain knows that if it loses its pliant majority in the Hong Kong legislature, that legislature would demand free elections and condemn Chinese-British efforts to cut into Hong Kong's autonomy.

In addition, a democratically elected legislature would seek amendments to the basic law, drafted by the Chinese, that will serve as Hong Kong's post-1997 constitution.

Such challenges by the Hong Kong legislature would prove very embarrassing to Major's government, for they would expose British disregard for Hong Kong's interests and call into question the terms of the sovereignty transfer.

Major's trip to Beijing and his agreement with Li hark back to earlier centuries when foreign emissaries would offer tribute and kowtow before the Chinese emperor.

The tragedy for Hong Kong is that the tributes being offered by Major are the wishes and hopes of the 6 million people of Hong Kong to play a part in the democratic revolution spreading through the rest of the world.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Thursday, October 3; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein, with the time from 9:30 a.m. to 10:30 a.m. under the control of the Republican leader, or his designee, and that during the time from 10:30 a.m. until 11 a.m., Senators WIRTH and WELLSTONE be recognized to speak for up to 15 minutes each.

I further ask unanimous consent, as in executive session, that at 11 a.m., the Senate proceed to the consideration of the nomination of Clarence Thomas to be an Associate Justice of the Supreme Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:50 p.m., recessed until Thursday, October 3, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 1991:

THE JUDICIARY

THE FOLLOWING NAMED PERSONS TO BE JUDGES OF THE UNITED STATES COURT OF MILITARY APPEALS:

REBERT E. WISS, OF ILLINOIS, FOR THE TERM OF 7 YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW. (NEW POSITION)

HERMAN F. GIERKE, OF NORTH DAKOTA, FOR THE TERM OF 13 YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW. (NEW POSITION)

PEACE CORPS NATIONAL ADVISORY COUNCIL

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE PEACE CORPS NATIONAL ADVISORY COUNCIL FOR TERMS EXPIRING OCTOBER 6, 1993:

RUTH GARDNER COX, OF TEXAS. (REAPPOINTMENT)

ROLAND H. JOHNSON, OF PENNSYLVANIA, VICE PETER L. BOYNTON.

IN THE AIR FORCE

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, 8218, 8373, AND 8374, TITLE 10 UNITED STATES CODE:

TO BE BRIGADIER GENERAL

COL. GLEN W. VAN DYKE xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

HOUSE OF REPRESENTATIVES—*Wednesday, October 2, 1991*

The House met at 10 a.m.

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

Your boundless love, O God, is sufficient for every person and allows us to welcome each day as a gift of grace. As we prepare to give attention to the concerns that crowd about, we also remember those with any special need—those who face critical decisions concerning the future, those who are ill and who need Your healing presence, those who wish direction and purpose in the essentials of life. May Your tender mercy, O God, that is with us at all the moments of life, be with us and those we love, and with all Your creation, now and evermore. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentleman from Colorado [Mr. ALLARD] to lead us in the Pledge of Allegiance.

Mr. ALLARD 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 without amendment a joint resolution of the House of the following title:

H.J. Res. 305. Joint resolution to designate the month of October 1991, as "Country Music Month."

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

S. 533. An act to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes;

S.J. Res. 131. Joint resolution designating October 1991 as "National Down Syndrome Awareness Month;" and

S.J. Res. 208. Joint resolution to designate October 15, 1991, as "Up With People Day."

RECOMMENDATION OF MEMBERS TO JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

The SPEAKER. Pursuant to the provisions of section 101(b) of Public Laws 99-500 and 99-591, the Chair recommends the following Members to the James Madison Memorial Fellowship Foundation on the part of the House: Mr. SISISKY of Virginia and Mr. ALLARD of Colorado.

REAPPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER. Pursuant to the provisions of section 491 of the Higher Education Act, as amended by section 407 of Public Law 99-498, the Chair reappoints on the part of the House the following Member to the Advisory Committee on Student Financial Assistance: Mr. Joseph L. McCormick of Austin, TX.

APPOINTMENT OF MEMBER TO ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

The SPEAKER laid before the House the following communication from Hon. BOB MICHEL, the Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 27, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Sec. 2702(a)(1)(B)(ii) of 44 U.S.C., I hereby appoint the following as a member of the Advisory Committee on the Records of Congress: John J. Kornacki, Ph.D., Executive Director, The Dirksen Congressional Center, Pekin, Illinois.

Sincerely,

BOB MICHEL,
Republican Leader.

MODIFICATIONS IN APPOINTMENT OF CONFEREES ON H.R. 2100, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

The SPEAKER. The Chair wishes to make the following modifications on the bill (H.R. 2100) to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pursuant to the authority granted on September 16, 1991, the Chair announces the following modifications in appointment of conferees on H.R. 2100, Department of Defense authorization:

The panel from the Committee on Energy and Commerce is also appointed for consideration of section 817 of the House bill, and section 826 of the Senate amendment. Delete section 3134 of the Senate amendment from the appointment.

The panel from the Committee on Foreign Affairs is also appointed for consideration of section 904 of the Senate amendment.

The panel from the Committee on the Judiciary is also appointed for consideration of section 3131(e)(5) of the Senate amendment.

The panel from the Committee on Public Works and Transportation is also appointed for consideration of section 2801(g) of the Senate amendment.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 804 and 807 of the Senate amendment, and modifications committed to conference: Mr. CARPER, Mr. LAFALCE, Ms. OAKAR, and Messrs. VENTO, KANJORSKI, RIDGE, PAXON, and HANCOCK.

The Clerk will notify the Senate of the modifications in the appointment of conferees.

NEW MEANING FOR THE WORD "CYNICISM"

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

Mr. FROST. Mr. Speaker, yesterday George Bush gave new meaning to the word "cynicism."

The same day his administration was leading the charge against extending unemployment benefits to American workers he was taking part in a thinly veiled campaign photo op on education paid for by American tax dollars.

What is going on here? Does this President think he can do and say anything, no matter how outrageous, and that no one is paying attention.

Today's Washington Post details how the U.S. Department of Education used taxpayer dollars to pay a private television production firm to orchestrate his little chat with American schoolchildren.

Forget that this President has no educational program. He has to use Government funds to hire outside help to stage a television production to

make him look good for the next campaign. Are we to believe that the White House and the Department of Education do not have enough press aides already on the Government payroll to handle the President's television photo ops.

Maybe some of these Government employees should be fired since they obviously are not needed. Then the President might be more sympathetic to unemployment benefits.

TIME TO CLEAR THE AIR

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

Mr. BOEHNER. Mr. Speaker, are we so arrogant with power and privilege that we place ourselves above public scrutiny?

This body is known for its propensity to investigate—investigate any question of ethical or fiduciary propriety in any governmental agencies—investigate anything remotely resembling scandal in the private sector.

Rightly or wrongly, this body loves to launch an investigation.

So why not investigate the improprieties of the House bank? Are we so fearful of the bright lights of inquiry that we cloak ourselves in secrecy, attempting to protect ourselves with words of assurance?

Mr. Speaker, only you and the Sergeant at Arms know what those records show.

If we fail to judge ourselves as we judge others, can we ever again be taken seriously? Do we not condemn ourselves to being the brunt of every coffee shop joke—the topic of every talk show host? Mr. Speaker, release the full GAO report. Clear the air of the rumors that now swirl around this body.

PRESIDENT SHOULD ADDRESS DOMESTIC NEEDS

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

Mr. NAGLE. Mr. Speaker, last Friday night President Bush recognized that the world has changed by announcing a bold and historic reduction in nuclear arms.

I applaud the President's action and earnestly believe history will remember that moment as one of his finest moments.

How ironic—and sad—it is then, Mr. Speaker, that he is so unable to show the same kind of vision—heck, I think we would settle for even a little of his attention at this point—for domestic issues here at home.

This is not nitpicking, Mr. Speaker.

In the international arena, the President displays boldness, vision, and action. Here at home, he displays timidity, shortsightedness, and inaction.

How can the President who saw things so clearly Friday night, be the same President who cannot see real unemployment reaching record heights; that we are losing 9,000 jobs a month under his economic policies; or that 400,000 people a month are exhausting their unemployment benefits and need an extension of those benefits—benefits, I might add, they not only earned, but paid for?

America deserves better than half a President.

I urge President Bush to join Congress in the effort to address America's urgent domestic needs. Signing the unemployment compensation bill would be an excellent place to start.

A CALL FOR RELEASE OF NAMES IN GAO REPORT

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

Mr. KLUG. Mr. Speaker, a New York Times editorial this morning said it well. The headline read "The Bouncing Bank Clean-Up Lags."

Last weekend I made the fatal mistake of shopping with my 3-year-old son to buy him a book and attempting to write a check for the purchase. The clerk looked at me with a snigger and said, "This isn't one of those rubber ones, is it, Scott?"

Every one of us has one of those stories from back home these days.

But the important issue is not the bounced checks for dry cleaning or for pizza or for a little kid's book. What we need to disclose are the 24 Members identified in the GAO report who regularly bounce checks of $1,000 or more every month for 6 months. The fact is the practice could have gone on for years, but the General Accounting Office only looked at 6 months. So in baseball terms, the offenders hit 1,000 percent, 6 for 6.

All of us are guilty of mistakes, but only two dozen of us are apparently guilty of blatantly abusing the public trust.

If the Speaker does not want to release all the names because most of the charges facing Members in the House are trivial, then at the very least identify those two dozen Members who at the very least should face an Ethics Committee probe.

APPOINTMENT OF CONFEREES ON H.R. 707, COMMODITY FUTURES IMPROVEMENTS ACT OF 1991

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 707) to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees and, without objection, reserves the right to appoint additional conferees:

From the Committee on Agriculture, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, ENGLISH, STAGGERS, STALLINGS, NAGLE, SARPALIUS, JOHNSON of South Dakota, HUCKABY, GLICKMAN, PENNY, and ESPY, Ms. LONG, and Messrs. STENHOLM, TALLON, COLEMAN of Missouri, SMITH of Oregon, GUNDERSON, COMBEST, ALLARD, BARRETT, NUSSLE, BOEHNER, and ROBERTS.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of section 263 and title III of the Senate amendment, and modifications committed to conference: Messrs. GONZALEZ, ANNUNZIO, NEAL of North Carolina, HUBBARD, and LAFALCE, Ms. OAKAR, Messrs. WYLIE, LEACH, and MCCOLLUM, and Mrs. ROUKEMA.

As additional conferees from the Committee on Energy and Commerce, for consideration of section 263 and title III of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, MARKEY, SCHEUER, SYNAR, ECKART, SLATTERY, LENT, RINALDO, MOORHEAD, and RITTER.

There was no objection.

CIA WIRETAPS OF MEMBERS OF CONGRESS

(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, it goes to the very fabric of our democratic institutions. It would undermine the ability of the people's representatives to objectively and fairly conduct the Nation's business. The question or allegations of whether the Central Intelligence Agency used the wiretaps of Members of Congress to intimidate them and undermine their judgment in

the conduct of the Nation's foreign policy.

We are reminded, Mr. Speaker, of the recurring need to maintain control of the intelligence agencies of this country and the vigilance that is needed to protect the independence of this institution. The repercussions are enormous.

The question of undermining or compromising the judgment of Members of Congress by using wiretaps. Mr. Speaker, the silence of protests since these allegations arose only a week ago has been deafening.

RUBBERGATE SCANDAL

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

Mr. NUSSLE. Mr. Speaker, from time to time we call upon colleagues in this House to be in touch with people back home, to understand what is going on in our districts. Yet we have the Rubbergate scandal that is going on right now with regard to the House Bank, and we ask ourselves, are we in touch with the folks back home?

Let me give my colleagues an example. A bank in Dubuque reported this week that 90 percent of its accountholders have never bounced a check and that of the members that have bounced a check, they only bounce it less than once a year. Is that being responsive? Is that being a mirror image of the people we represent?

I think not. I do believe that there are Members who have abused this privilege, and I believe that there are Members that have, through accounting errors and bookkeeping errors, possibly overlooked some problems. Those Members should not be held accountable, but the Members that have been bouncing checks in a systematic scheme should be held accountable.

The only way to discover that, Mr. Speaker, is to release the names of the Members that have been doing this.

POULTRY CENTER OF EXCELLENCE

(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 administration, at a cost of $4 million, has established a Poultry Center of Excellence.

What is a Poultry Center of Excellence? Does one have to be a dead turkey to get in? Does one have to lay a record number of eggs? Does one have to be a Member of Congress who bounced a check, or is it sort of like a hall of fame for all our feathered friends who sacrificed their lives for our low-cholesterol diets?

Listen, Mr. Speaker, 9 million Americans unemployed, 37 million Americans without health insurance, savings and loan belly up, people worried about their next meal, and this administration is spending $4 million for a high-technology university for dead chickens.

□ 1020

I think that says it all. I think it is time for the Democrats to bring our own foul play into focus.

SMALL BUSINESS EXPORTING MEANS JOBS FOR AMERICANS

(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, contributions by small businesses to our economy and to job creation are well documented. And support for small business exporting efforts will produce much needed jobs for our Nation's unemployed.

In 1982 Congress established a program to set aside some of the Export-Import Bank funds for small business export assistance. However, the Eximbank has apparently failed to comply with either the letter or the spirit of this law.

Initially the Eximbank told me that 24 percent of their portfolio is directed toward small businesses. But closer scrutiny revealed that the Eximbank is counting big business loan assistance in that number, claiming that the resulting subcontracts helped small business.

The intent of the set-aside program is not to have assistance trickle down from big business. It is to directly assist the small businesses with their exporting opportunities. I will make this point through clarifying legislation, if necessary, to force the Eximbank to comply with the spirit of the law as well as the letter of the law.

America needs growth. We need job creation as well as growth. We cannot look to the big Fortune 500 companies for it either. Small business is the answer to our current economic problems, and so, my colleagues, as you consider the flood of regulation, mandates, and budget busting legislation that affects small business, try to remember it is easy to say that you are all for small business, but it is how you vote that counts.

WAGERING ON THE ATLANTA BRAVES TO WIN THE PENNANT

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

Mr. JONES of Georgia. Mr. Speaker, this may appear to some of my cynical colleagues as just a prop, a cheap gimmick, a visual aid to enhance my remarks. But in Atlanta these days this is necessary apparel, for as America knows, the never-say-die Atlanta Braves are doing the tomahawk chop, and the race between the good guys and the Dodgers is what baseball is all about.

So today I am wagering my colleague, Congressman MEL LEVINE of Los Angeles, a bushel of the finest Georgia pecans against a crate of California citrus that the Dodgers are going to be blue, blue, blue when we get through.

So take that, Tommy Lasorda, take that, Darrell Strawberry, take that, MEL LEVINE.

OUTRAGE AT PRESIDENT'S DECISION TO PROVIDE NEW MILITARY AID TO JORDAN

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

Mr. GREEN of New York. Mr. Speaker, I rise to express alarm and outrage at the President's recent decision to provide $20 million in new military aid to Jordan.

I have learned that in late March, just over a month after formal hostilities ceased between the Allied Coalition and Iraq, the administration began providing renewed military aid to Jordan, drawing on unused fiscal year 1989 and 1990 funds. Previously, all United States aid to Jordan had been frozen because Jordan had allied itself with Saddam Hussein during the war, defied the economic embargo of Iraq that the United Nations had forged, and may have even provided the Iraqis with weapons.

Despite all that, today, in addition to an estimated $25 million in pipeline aid, the administration is seeking yet more funds to support Jordan's military. This, in addition to $31 million in economic assistance released to Jordan since the war's end.

When questioned for reasons behind the latest obligation of military funds, Pentagon and State Department officials said that we are providing a carrot to the Jordanians to participate in the peace talks. A Presidential determination of September 16, 1991, certifies that military assistance to Jordan is "beneficial to the peace process" and "in the national interest of the United States." The President had to employ the national interest waiver provided under current law because he was not able to certify that Jordan is adhering to the United Nations trade embargo on Iraq. Most notably, Jordan is importing oil from Iraq in exchange for retirement of debt owed by Iraq to Jordan.

Meanwhile, the administration decries any additional support for Israel, our reliable Mideast ally of many decades, which has requested that the United States guarantee loans to help

with the resettlement of Jewish refugees from the Soviet Union, Ethiopia, and Eastern Europe.

What price has Israel paid for her friendship to the United States? When asked by the United States to assume a low profile after Saddam Hussein invaded Kuwait, Israel complied. When asked by the United States not to launch a preemptive strike against Iraq, Israel assented. And then, during the war, when attacked night after night by Scud missiles, and asked by the United States not to retaliate or respond, Israel consented, despite the violation this meant to longstanding Israeli defense policy.

Then, in March, with the war over and refugees continuing to flow by the thousands to Israel, the United States requested that the Israelis delay their loan guarantee request until September. Again, Israel said OK.

But, when September came, the President once again admonished Israel to wait. Wait, without assurances of future support from the administration. Just wait.

And much of the country, influenced by the President, wondered, "So why not wait?"

Until recently, Jews waited behind an iron curtain. Now, with a window open, they deserve freedom. The issue is clear—the rescue of an oppressed and endangered people from the Soviet Union, which the United States has demanded and orchestrated for two decades, cannot be delayed, and should clearly not be linked to the political vagaries of the Middle East.

The Soviet Union is in dissolution. The winter is bound to be desperate and full of want for most of its citizens. The Jewish community there, having lived for decades in institutionalized anti-Semitism, should not have to make the wretched choice we are asking of them. If they leave the Soviet Union for Israel, they face possible unemployment and homelessness because Israel alone cannot absorb the hundreds of thousands of Jews seeking refuge. But if they stay in the Soviet Union, they face certain anti-Semitism and religious persecution.

It is outrageous that the United States has chosen to help Jordan's military, while rebuking the Israelis for their humanitarian request.

What price has Jordan paid for its alliance with the dictator Saddam Hussein?

The administration cannot have it both ways. The President will have to make his case far better than he has so far if he wants support for his lopsided and dangerous Middle East policy.

PAID LEAVE FOR PARENTS TO ATTEND PARENT-TEACHER CONFERENCES

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

Mr. MINETA. Mr. Speaker, today many working parents do not know what their children are learning in school because it is difficult for them to attend vital parent-teacher conferences.

But the Congress can help, Mr. Speaker.

Today, I have introduced a bipartisan resolution to urge employers—in the Government and private sector alike—to allow workers to take paid leave to attend conferences with their kids' teachers.

My resolution would not mandate any new employee benefits, but it would demonstrate the commitment of the Congress to improving our competitiveness by bettering schooling for all Americans.

Mr. Speaker, I ask my colleagues to join me and Mr. HORTON of New York; Mr. AUCOIN of Oregon, and Mr. FUSTER of Puerto Rico as cosponsors of this important statement about education in America.

STOP THE SPENDING BINGE

(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, I would like to wish my colleagues a happy fiscal new year—but I don't think there's much to celebrate because the mood is anything but festive. Last year, we made a New Year's resolution—known to some as the Budget Deficit Reduction Act—that was supposed to ring in a new era of fiscal restraint. But there's no champagne flowing as we embark on fiscal year 1992 and reflect on what was accomplished in 1991. The only thing flowing around here is red ink.

The 1991 budget deficit was frightening—somewhere in the neighborhood of $200 billion. Add to that the largest tax increase in history—a grand total of $163 billion—and some might think we had our problems solved. But budget math doesn't work that way, and this New Year's Day we're nursing a monumental deficit hangover of more than $350 billion. A few facts: Every 24 hours we pile a billion new dollars onto our existing $3.6 trillion total debt. Interest payments on that debt are fast becoming our largest single expenditure at about $80 million a day.

Mr. Speaker, this is not just a groggy New Year's morning after one night of excess. The American people feel like they have been hit over the head with a ton of bricks—and they are waiting for this Congress to sober up. Stop the spending binge.

H.R. 1414—PASSIVE LOSS CORRECTION

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

Mr. LIPINSKI. Mr. Speaker, I rise today to express my support for H.R. 1414, the passive loss correction bill. I am 1 of over 300 cosponsors of this legislation because I believe that we must do all we can to get our economy back on track.

Last year, Mr. Speaker, America's banks wrote off 7.6 billion dollars' worth of property loans and classified $45 billion as problem loans. And the Resolution Trust Corporation has recently asked for an additional $80 billion to pay for the already outrageous bill left by the S&L scandal.

H.R. 1414 will help to keep many of these troubled properties in private hands and keep the growing Federal burden from becoming even more unmanageable. It will allow rental property operators to hold on to their properties and reduce the growing number of foreclosures and limited failures which are crippling our financial institutions.

I encourage my colleagues to join me in supporting this important legislation and hope that it will come before us for a vote before the year is out.

RESPECTING OUR COLLEAGUES

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, yesterday a Republican colleague came to this well and took myself and Congressman TOM CAMPBELL politically to task and publicly to task for our prochoice position on abortion. Clearly this issue is an emotional issue. This issue is an overwhelmingly important issue, and sensitivity and thoughtfulness must surround all of our discussions on this issue.

To single out one or two Members of Congress helps no one and hurts this cause. And to refer to me in this well as "Suzie," and Congressman CAMPBELL as "Tommy," I believe demeans this institution and every one of us who serves here.

Mr. Speaker, I truly respect every one of my colleagues who is prolife, their opinions, and their commitment. Congressman DORNAN, I believe I deserve the same.

A SPECIAL TRIBUTE TO WESTERN SAMOA'S RUGBY TEAM

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

Mr. FALEOMAVAEGA. Mr. Speaker, it is most unfortunate that our na-

tional media will not share with all America, a world event that takes place every year around this time in England—this, of course, is the world championship playoffs among the world's top 15 rugby teams. And I want to share with my colleagues and our country—the fact that even America is represented in this prestigious rugby tournament. Our national rugby team, the Eagles, will be among the top 15 teams all vying for the World Cup, and we should all wish them well.

Mr. Speaker, I also want to share with my colleagues another unique feature of this year's World Rugby Tournament competition. And that is, for the first time ever, a Pacific Island nation, the independent State of Western Samoa will also be sending its national rugby team called Manu o Samoa, to compete in this year's world event.

Mr. Speaker, this is quite an accomplishment for such a small island nation of 170,000 predominantly of the Polynesian-Samoan population. The sport of rugby is one of the favorite games played in Samoa, and it seems that finally rugby has become of age in Samoa and I suspect this island nation will be sending a national team every year to England in the years to come.

Mr. Speaker, I want to pay a special tribute to His Highness Tuiatua Tupua Tamasese who has always been a patron and leader of Western Samoa's rugby union over the years. Also, to Mr. Allen Grey and to Mr. George Meredith, who are with the union's leadership organization. I also want to commend Western Samoa's Prime Minister, the Honorable Tofilau Eti Alesana, for extending to me a personal invitation to attend this historical first game that Manu o Samoa will be playing next week, October 6, against one of the great rugby teams of the world—the national rugby team from Wales.

Again, Mr. Speaker, it is sad that our national television networks will not be sharing with the rest of America—the sport of rugby, one of the most popular in the world.

Mr. Speaker, I also want to commend three other national rugby teams from the Pacific region that will also be participating in this year's world competitions—the teams from the Republic of Fiji, Australia, and currently the world champions, New Zealand's national rugby team—the "All Blacks."

NORTH CAROLINA 2000

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

Mr. BALLENGER. Mr. Speaker, last week, Gov. Jim Martin announced that North Carolina had adopted a plan to make education a priority in every community in the State. North Carolina 2000, based on America 2000 proposed by the President, focuses local efforts to achieve national education goals.

According to these goals, by the year 2000, North Carolina will have all children starting school ready to learn; the high school graduation rate will increase to at least 90 percent; students will demonstrate skill in vital subjects from English to geography; students will be the first in the world in math and science; every adult will be literate; and all schools will be drug and violence free.

During the August recess, I met with coalitions of business leaders, educators, parents, and others to discuss America 2000 and ways to make this far-reaching plan a reality in my district. I am pleased to report that many, many folks are excited about America 2000 and the promise it holds for educational opportunities. Hopefully in the near future, I will be on the floor announcing America 2000 communities in my district.

I look forward to working with the President and the Governor to make sure that these goals are implemented.

GIVE AMERICAN MIDDLE CLASS A FAIR SHAKE: SUPPORT H.R. 1414

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

Mr. JOHNSON of South Dakota. Mr. Speaker, among the hundreds of bills that beg our attention, we need to move quickly to pass proposals that enhance economic growth and give the American middle class a fair shake.

One such proposal that falls into that category is H.R. 1414—to bring fairness to property investors.

I am a cosponsor of this legislation and have strongly supported its passage. Unfortunately, we have not had an opportunity to vote or even to debate this bill at this time.

Enactment of this bill would help reverse the sharp decline in the real estate market and send an important message to investors that Congress supports tax policies that nurture legitimate investment. Enactment of this bill would also make a difference to the American taxpayers who are saddled with bailing out the S&L's. Soon, the House will be asked once again to provide additional funding for the RTC.

In my opinion, some of the best relief the House could offer the RTC is passage of H.R. 1414. Properties now in the RTC's hands would move more easily to private hands, and troubled properties now in private hands would be less likely to wind up in the Government's lap.

This bill would bring good results for the country. The only problem seems to be getting good results from Congress. We should move forward expeditiously.

REPAIRING TAX-REFORM DAMAGE

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

Mr. ROTH. Mr. Speaker, I want to join this morning the people who have come to the well of the House and have asked that we take up the bill, H.R. 1414.

This is an important piece of legislation. After all, every single recovery that we have had since the end of the Second World War has always been spearheaded by real estate, and if we address 1414 and take this up, it would really give a shot in the arm and a boost to the real estate industry.

H.R. 1414 is budget neutral. It is designed to put an end to the passive-loss rules which were intended to abolish real estate shelters, but, as we know, the effect of it was that it chilled the real estate investment and plunged the industry into a downturn.

Under the present passive-loss rules, real estate investors are taxed on gross income, not on net income. So let us all join in working to make the real estate sector the locomotive of our economy again, the real estate sector that leads us in the powerful recovery and productive jobs for all of our people.

I urge the Speaker to bring up H.R. 1414 for a vote as soon as possible.

START SPENDING PEACE DIVIDEND ON OUR CHILDREN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, here we are at the beginning of the new fiscal year, and I think the one thing we can say is that the way we could capture this year is the red ink is rising.

But that is not the only deficit this country has to deal with. There is the twin deficit of the attention-deficit disorder the President seems to have when it comes to domestic issues. Even he admits that we have had a very, very serious change in the world, thank goodness for the better, since we put the budget together, and he has made this very historic, historic speech saying we are going to cut back the number of weapons and so forth out there.

He is also saying no peace dividend, and that we cannot start cutting back defense measures to lower this deficit and start attacking some of the domestic issues that desperately need to be dealt with.

I think in this fiscal year, every decision should be based on whether we are getting ready to compete with the Europeans, the Canadians, and the Japanese for the highly paid, highly skilled, highly educated jobs, or whether we are dropping out of that competition

and just going to pick up whatever we can.

If we want to compete with them, we are on the wrong track. We need the President to overcome his attention deficit disorder, and we need to look at this budget that was put together in an entirely different time. There should be a peace dividend, and we should start spending it on our children, their education, and get ready for the 21st century and position ourselves where we want to be.

THE CRIME BILL

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

Mr. MICHEL. Mr. Speaker, last Sunday the Washington Post ran a front page story on the influence of gangs in the murder capital of the world, Washington, DC, and last week, the Committee on the Judiciary reported out a crime bill that the media barely mentioned, and I think maybe for good reason: The bill was so inadequate in responding to the violent reality of crime that it did not deserve coverage.

The vast gap between what is happening on the mean streets of the cities and what is not happening in the sheltered Halls of Congress is a sad commentary on the majority's leadership.

The Democrats' crime bill does not contain habeas corpus reform, a revised exclusionary rule, nor more effective death penalty procedures. It is not the tough crime bill that the President sent to the House earlier this session. It is not even close.

If this weak crime bill passes unchanged, the President should veto it, and the House should sustain that veto.

The American people do not need bold declarations. They need bold action to battle crime.

AMERICAN PUBLIC CAN DO WITHOUT THE LUXURY TAX

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

Mr. TAUZIN. Mr. Speaker, yesterday we began the second fiscal year of the luxury tax enacted last year as part of the budget agreement that was supposed to finally get the deficit under control.

Well, surprise, surprise, the fiscal year we just ended contains the biggest deficit in America's history.

It is no small wonder when you consider what the luxury tax is contributing to it.

CNN recently reported that the Federal Government will cost out $5 for every $1 we collect in luxury tax revenues. As every day passes, more working people lose their jobs, and revenue losses mount.

Let us not make another mistake by keeping a bad law on the books any longer.

Mr. Speaker, every industry covered by the tax has been hurt. The boat and airplane industries and the retailing industry have laid off nearly 20,000 workers. These are working Americans, craftsmen, mechanics, salespeople. The automobile industry has laid off 7,500 workers since the imposition of the tax. These are working Americans. They were working Americans, parts personnel, secretaries, body repair folks.

When the rich choose not to buy the so-called luxury items, it is the American workers, not the well-to-do, who feel the pain. Federal and State treasuries suffer as well through reduced income tax payments, sales tax receipts, and cash payments such as unemployment compensation benefits to the thousands of workers losing their jobs.

Mr. Speaker, the luxury tax is a tax that Americans can hardly afford any longer.

□ 1040

TYING SECRETARY KEMP'S HANDS AT HUD

(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, yesterday the distinguished Secretary of Housing and Urban Development, Jack Kemp, appeared at a hearing of the Housing Subcommittee of the Committee on Banking, Finance and Urban Affairs. He discussed his efforts to reorganize the Department to prevent any reoccurrence of the mismanagement of the past. The entire subcommittee has welcomed Jack Kemp's cooperative spirit and aggressive approach to fulfilling his mission; however, a large roadblock has been thrown in his way.

The VA-HUD appropriations conference report has slashed Mr. Kemp's executive staff of specialists by almost 40 percent. This at the same time the Secretary is fighting to clean up the troubled institution he inherited and bring innovative programs, such as HOPE and HOME to provide direct assistance to needy Americans. If anyone can oversee the successful stabilization of HUD and move forward progressive housing programs, it is Jack Kemp.

The conference report appropriates $150 million new dollars in special purpose housing grants; in other words, pork. At the same time, it foolishly cuts staff critical to HUD's revitalization. If Congress is serious about solving our Nation's housing problems, it should work with Secretary Kemp, not tie his hands as he fights to bring American families better homes.

THE SOURCES OF AMERICA'S WORLD POWER

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as a world power, the United States has promoted democracy and peace among nations. There is no question that our Nation has achieved this in the past, while maintaining a domestic agenda. At question, Mr. Speaker, is our ability today to retain our role as a force for international cooperation and domestic reforms, when the American President pursues a policy of domestic neglect.

Executive negligence, an obstruction of a domestic agenda in education and employment opportunity, in health care and real crime prevention, undermines the foundation of our own democracy.

The difference between President Bush and us is that we Democrats believe that the true source of America's world power and the strength of our democratic system is a healthy, secure work force, and an educated electorate.

We must work for a policy which recognizes that strength. I believe that is what we were sent here to do.

BILLIONS IN FOREIGN AID TO BAIL OUT FOREIGN BANKS

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

Mr. DUNCAN. Mr. Speaker, today the House will pass overwhelmingly a foreign aid authorization bill. This will be done in spite of the fact that the great majority of Americans do not want to keep sending billions of dollars more overseas.

Included in this bill will be a $12 billion increase in the United States contribution to the International Monetary Fund, primarily for loans to the Soviet Union.

B.J. Cutler, foreign affairs columnist for the Scripps Howard Newspaper chain, wrote a few days ago:

> The plan, which won't be spelled out to the public, goes like this: for "humanitarian reasons" the Soviet people must be aided. So the International Monetary Fund and the World Bank will make massive loans to Moscow. But most of the money will be recycled to repay banks in London, Paris, Frankfurt, Tokyo, et cetera.

He then added:

> To be blunt, the scheme consists of shifting the cost of bankers' blunders to American and foreign taxpayers, which they wouldn't tolerate if they knew about it.

Americans do not want to see anyone starve, but they do not want to pay billions of dollars to bail out big banks in Japan and Germany and other places.

Pat Buchanan wrote last week:

> Some day an American Congress will say to the IMF and World Bank, "We are not

guaranteeing any higher loan levels than present." On that day, the game will be over. One Third World nation after another will default. The IMF and World Bank will come to the U.S. Treasury for payment. The Treasury will have to borrow to pay, and pile that borrowing on top of the U.S. national debt. And our children will work decades to pay it off.

Mr. Speaker, this is not the time to give $12 billion more to the IMF. This is a very bad investment for the American taxpayers.

THE TELEVISION THING

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

Mr. SCHUMER. Mr. Speaker, we have a hot new show coming to us from the studios at 1600 Pennsylvania Avenue. It's called Homefront. Lacking the vision thing, Mr. Speaker, the President has turned to the television thing. Episode one found him in the Grand Canyon to talk about clean air to a bank of network cameras. In reality, his administration's rules are dismantling the clean air bill.

Episode two found him in Miami to talk about crime to a bank of network cameras. The crime bill he sent us will not put a single extra cop on the street or ban one assault weapon.

In episode three, he spoke about education at a Washington, DC, school with the private cameras recording the events—public cameras and reporters were not allowed in the room—and they were probably making a dub for Roger Ailes.

Mr. Speaker, even the children are not buying this agenda of photo opportunities. "I'm sure we'll never see this in a campaign ad," said a 13-year-old at the school yesterday.

Can we blame her for being skeptical?

Mr. Speaker, it is time the President stepped out of the cynical glare of the television lights and matched his symbol with substance.

DEPARTMENT OF THE ENVIRONMENT

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

Mr. BOEHLERT. Mr. Speaker and my colleagues, the Department of the Environment is within our grasp. Yesterday by unanimous consent, the Senate passed a Department bill that strengthens the environmental functions of Government. It is a bill that the President can sign.

My congratulations to Senator GLENN and Senator ROTH for putting together S. 533 and passing it with overwhelming support, a true bipartisan effort. We are at our best in this institution when we work together for worthy causes, and enhancing the quality of our environment is a most worthy cause.

The House can do the same. On July 31, 1991, I introduced legislation that also creates a Department of the Environment and has earned the endorsement of both the administration and environmentalists, Republicans and Democrats alike, Members who give a high priority to environmental issues.

After the President called for a new Department in January 1989, efforts to pass legislation failed because of partisan political differences. Let us put them aside.

Our bill is a consensus bill, a bipartisan effort took months to put together in deliberations with the administration and environmental groups, particularly the Sierra Club. We have got everyone agreeing that if we really want a bill and we want a Cabinet-level post for the environmental chief, this is the opportunity.

Mr. Speaker, the window of opportunity is there. Let us climb through it.

REPUBLICANS CAN RUN, BUT CANNOT HIDE BEHIND TRIVIALITY

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

Mr. APPLEGATE. Mr. Speaker, we are taking up too much time on this check bouncing issue. We know that it is serious and things have to be righted. The Speaker of the House got up out here and came up with a formula that allows that this is not going to happen again, and the Republicans know it; but they want to take the spotlight off a badly declining economy which they are going to have to run on next year.

We are losing 10,000 jobs a month in this country. We have 37 million people who do not have any health insurance. Industries and businesses are moving out of the country, or they are going bankrupt. We are on the verge of a banking scandal following the savings and loan. Millions of our unemployed are running out of unemployment compensation, and we have a President who just does not give a damn about it.

Well, I am going to say this. You can run, but you cannot hide behind triviality. You had better start taking care of the people now or they are going to take care of you next year.

WOMEN IN APPRENTICESHIPS AND NONTRADITIONAL OCCUPATIONS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, American businesses, now and for the remainder of the 20th century, will face a dramatically different labor market than the one to which they have become accustomed. Two in every three new entrants to the work force are now women. To meet labor needs, these women must work in all occupational areas, including apprenticeships and nontraditional occupations.

Today, I am introducing a bill to assist business in meeting the challenge of Workforce 2000 by preparing employers to successfully recruit, train, and retain women in apprenticeships and nontraditional occupations. Presently only 4 percent of the female labor force works in nontraditional occupations, which are significantly higher paying than traditionally female occupations.

I ask my colleagues to join me in assisting business to prepare for Workforce 2000 and in improving the economic self-sufficiency of women.

□ 1050

WE HAVE DEFENDED EUROPE FOR 50 YEARS; IT IS TIME TO DEFEND OUR PEOPLE HERE AT HOME

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

Mr. GEJDENSON. Mr. Speaker, as this country's economic crisis continues, the administration tries to divert our attention; 20 out of the last 24 years, we have had Republican administrations, each one of them getting tougher and tougher on crime. Yet our city streets and in our rural communities crime continues to spiral. Maybe if we spent a little time giving people a job and a home and an education, we could stop making speeches about crime, because we would get at the root causes of it.

This country subsidizes the defense of West Germany and Western Europe from the newly freed Baltic States and the disintegrating Soviet Union.

The cost to the American taxpayers is $140 billion. Let us take some of those dollars that are supposed to defend us and put them in our cities, put some police on the streets to make the city streets safe for mothers and children and for people who go to work every day. Take some of those dollars and bring up the standard of education. Meetings and conferences on education in now over a decade of Republican administrations has not improved our educational system.

Let us take some of those dollars and let people who have worked all their lives and who are unemployed, give them those extended benefits and let us make sure that when the Senate passes parental leave we join the Germans, the French, the Belgians, the Scandinavian countries and the rest of the civilized world with some parental leave of our own in this country.

Mr. President, we have defended Europe for 50 years; it is time to defend our people here at home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORRICELLI). The Chair will remind Members that, in addressing the House, they should address their remarks to the Chair and not to persons outside of the House.

AIDING AND ABETTING THE COMMUNISTS IN NICARAGUA

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

Mr. DOOLITTLE. Mr. Speaker, recent press reports indicate that some Members of Congress or their aides may have been in league with the Communist regime in Nicaragua to thwart the policies of the U.S. Government. These reports are based upon conversations taped by United States intelligence agencies, which monitored activities of the Nicaraguan Sandinista government.

This type of conduct would appear to violate the Logan Act and should be fully investigated.

As Samuel Francis has observed in a recent Washington Times column, "This is something that is neither politics nor diplomacy. It used to be called treason."

Mr. Speaker, I call upon the administration to make available to the Congress or to the appropriate investigative agencies the information gathered by the intelligence agencies in order that the appropriate investigation may be commenced.

NATIONAL ENERGY EFFICIENT LIGHTING EDUCATION ACT OF 1991

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

Mr. VALENTINE. Mr. Speaker, as Congress struggles over the creation of a national energy strategy, we must not neglect the role that energy efficiency education can play. Although we have increased our efforts to promote conservation and recycling, educational efforts have often lagged far behind.

Last month, DAVID PRICE and I introduced H.R. 3285, the National Energy Efficient Lighting Education Act of 1991.

H.R. 3285 will establish 10 regional lighting centers to provide educational information, workshop, and displays about energy efficient lighting. In addition, this bill will create a partnership between the lighting centers and educational institutions to establish lighting engineering and technical programs and curricula emphasizing energy efficiency.

Energy efficiency education can and should play an important role in national conservation programs: energy used to generate electricity accounts for 36 percent of the energy used in this country, and lighting equipment accounts for 18 percent of all electric power generation.

The centers established by this bill will expand markets for energy efficient products and educate both the lighting industry and the public about lighting efficiency.

Real opportunities for gains in conservative exist, and I believe it is time we take advantage of them. I invite my colleagues to join me in support of this legislation.

CONGRESS SHOULD PASS A MORE COMPREHENSIVE CRIME BILL

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

Mr. MCCOLLUM. Mr. Speaker, in a few days we are going to consider a crime bill on the floor of the House. Unfortunately, the Democrats in the House Judiciary Committee have gutted the President's crime bill in the process of producing one that we will see out here.

I hope that my colleagues will have the opportunity, when the Committee on Rules is finished, to vote on some very key amendments that will restore the basic thrust of the President's bill because surely that is what needs to be done. We came very close to having that in the last Congress. This body passed most of those key provisions, but the conference with the Senate, in the last 3 days, it did not work, it did not happen.

We need a tough habeas corpus provision that ends the opportunity for those on death row to continue to delay and to delay the carrying out of their sentences. But the bill out of the Committee on the Judiciary, the Democrats did not do that. We need to have a change in the exclusionary rule, to let evidence in in cases where there is no search warrant but where the police acted in a reasonably objective fashion to comply with the Constitution. We need to let that evidence in. The courts in two circuits in this country have already said that they will establish that standard on their own. But we need to legislatively put it in in a uniform fashion and change that exclusively rule.

And we do not need the kind of thing that is in this bill coming out of the Committee on the Judiciary that would bottle up the death penalties throughout the States by using some kind of a race statistics data to say, "If you have certain statistics in your particular court circuit, you are not going to be able to have the carrying out of the death penalty." That is an absurd thing. Race has no part of being a part of any sentencing process. We need to look at all of those, and we need to look at the death penalty procedures that also are not in conformity with the President's wishes.

Let us change the bill on the floor and send a good product over to the other body as we did in the last Congress.

I urge my colleagues to do that.

MILES DAVIS, A RARE AND VALUABLE NATIONAL TREASURE

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

Mr. CONYERS. Mr. Speaker, on behalf of those Members who joined me in the designation of jazz as a rare and valuable national American treasure, House Concurrent Resolution 57 in another Congress, to celebrate the life and musical contribution of the late Miles Davis, one of the greatest jazz trumpet players of all time.

Mr. Speaker, it was 45 years ago that as a teenager he came to New York, joined with the late great Charlie Parker and, on a 78 record, the old kind, he recorded an immortal tune called "Now is the Time."

His enormous talent brought him right to the top and immediately moved him to the front ranks of jazz artists. Then he moved to other vistas; cool jazz, then to hard bop, and later on to fusion.

Mr. Speaker, he gave millions of Americans their most pleasant musical moments and we now realize that Miles Davis, himself, was a rare and valuable national American treasure because he, like jazz itself, served as a unifying force bridging cultural, ethnic, and age differences in a very diverse society.

Miles Davis, this Congress remembers you and will hold a special order to celebrate your life and work next Wednesday on October 10, 1991.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

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

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

There was no objection.

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

Mr. TRAXLER. Mr. Speaker, I call up the conference report on 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 27, 1991, at page 24609).

The SPEAKER pro tempore. The gentleman from Michigan [Mr. TRAXLER] will be recognized for 30 minutes, and the gentleman from New York [Mr. GREEN] will be recognized for 30 minutes.

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

□ 1100

Mr. TRAXLER. Mr. Speaker and Members of the House, we bring to you today the conference report on the fiscal year 1992 VA, HUD, and independent agencies appropriations bill. This bill includes funding for the Department of Veterans Affairs, the Department of Housing and Urban Development and 22 independent agencies, totaling approximately $81 billion. It is the largest domestic discretionary appropriation bill of the several which will be considered from the Committee on Appropriations.

However, Mr. Speaker, before we proceed to discuss this bill, I would like to pay special thanks and honor to those who have been involved in its preparation and the difficulties that we have had over these last 8 months in bringing it to fruition and presenting it to our colleagues in its final form—in this conference report.

Mr. Speaker and Members, we would not be here but for the efforts and the contributions of the ranking Republican member, the gentleman from New York [Mr. GREEN]. He is a very talented and dedicated Member of this body who knows the subject matter of this bill as none other does, and I call it a very high honor and a distinct privilege to have the opportunity to be associated with him and to work with him to bring this product to our colleagues for their consideration.

Mr. Speaker and Members, I must also say that no other subcommittee chairman has the good fortune that I do in having a subcommittee that has as many members who are as concerned and dedicated to the agencies under the jurisdiction of this subcommittee, and to the people, and to this Nation as a whole, as the members of this subcommittee, and they include the gentleman from Ohio [Mr. STOKES], the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Texas [Mr. CHAPMAN], the gentleman from Massachusetts [Mr. ATKINS], the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from Pennsylvania [Mr. COUGHLIN], the gentleman from California [Mr. LOWERY], all very significant contributors to this process in presenting this conference report for our colleagues' consideration.

I might also add that none of this would be possible without the efforts of a dedicated and highly professional staff that serves this subcommittee, the full Committee on Appropriations, and the Members of this body and the Nation as a whole. That includes Dick Malow, who is the committee clerk, been there for some 19 or 20 years; Mr. Paul Thomson, staff assistant to the committee; Michelle Burkett, staff assistant; and Marissa Smith, a detailee from the Department of Veterans Affairs. All of these people make possible the technical aspects of this bill and its formal presentation to this body. There is Mr. Jeff Lawrence on the staff of the gentleman from New York [Mr. GREEN] and Bill Gilmartin on my staff who make their personal contributions as well.

So, Mr. Speaker, we bring to you, as a group, these recommendations, and, like in past years, it is a very, very difficult bill to do. There are tough issues involved, and basically it is a small pot of money, a size 9 shoe with a 12 foot to fit into it. It is not done with any ease or simplicity. Each year when we come before the House with this bill we suggest it was one of the most difficult years, and certainly 1992 is no exception. I can say without any hesitation whatsoever that this has been the most difficult of years.

Obviously, not everyone within the agencies or within this House, nor outside interests, are pleased with every aspect of this product, and yet we must tell our colleagues in all candor that it is the very best we could do under trying financial circumstances. The reason everyone is not going to be happy is because we do have a budget crisis, and yet even in times of limited resources we all know that there are essential services that must be performed by this central government, the Federal Government of the United States of America.

There may be those who argue that we ought to repeal government. But government provides essential services that are necessary for the public welfare and for the public good, and, if we, as a nation, are going to continue to stand tall in the hall of nations of the highest technological order, then we must make certain expenditures to preserve this Nation's physical and human infrastructure, and this is one of those bills that does exactly that, ranging all the way from veterans health issues, to issues concerning the public environment, concerning NASA, a very high tech agency, housing for millions of people, and questions involving the National Science Foundation and putting out almost $2 billion in research grants to stimulate the minds of America's research scientists.

So, all in all, it is a significant contribution to the future and the well-being of millions of Americans, and there is literally no one in this Nation that is not touched by this bill in some fashion and to some degree.

We do not have, unfortunately, unlimited domestic discretionary moneys to fund all of the programs at the levels that most of us would like to see. There were hard choices made in this bill. We did categorize, and we did prioritize, and that is always a painful process, and someone is going to be dissatisfied. It means that we had to make cuts and reductions. They are very painful to me, to other members of this committee, and I am certain to the agencies involved. But we believe on balance, and that is what is critical here, that for the most part we have spread the agony. There is no agency that has precedent over another agency. Each of them in a sense is a subcommittee child, and we love each and every one of them and treat them as a parent ought to, with appropriate discretion and equal affection.

I must say that we have proposed a bill which involves using nearly $3 billion in creative scorekeeping. Now this $3 billion in the scorekeeping will not be available to this subcommittee next year under the current budget practices.

Now what does that mean? Well, it means, unless the fire walls come down between domestic expenditures, defense and foreign aid, so that the Committee on the Budget and the Committee on Appropriations can reach across and treat the Federal budget as a unified one and to move moneys appropriately from one function to another, we are going to be in deep trouble in this subcommittee next year. Our 1993 money allocation will not be able to sustain, and let me emphasize this, and no one disagrees with this; we will not be able to sustain the program levels for next year that we are establishing this year under current budget practices.

I recognize it is hard to get anyone interested in 1993. As my colleagues know, we all behave like Wall Street. We are only interested in this quarter's bottom line. But somehow or another this Nation has to rethink that concept of instant gratification. That is what a child does. Surely, as rational adults we can foresee the future and predict what will occur tomorrow based upon our conduct and actions today.

Now unless, as I said, these walls around defense and foreign aid are breached, and of course the Director of OMB has said that he intends to do that when it is to his advantage, following the election of next year, should he be here. I say to my colleagues that we, as a Congress, having a responsibility for providing domestic tranquillity and the welfare of the people of this Nation, must consider that ourselves in next year's budget negotiations. Next year is certainly going to be tighter than 1992.

Let us take a look at some of the details.

We are providing a total of $13,513,000,000 for the veterans' medical care. Now that represents nearly a 10 percent increase above 1991. But medical costs are increasing by at least that rate, and that is the healthiest increase in funding for the VA medical care in many years, and each of my colleagues can take great pride in that fact. But before we get excited, remember we still have a ways to go in terms of staying abreast of the need for adequate funding of veterans medical care because we have been funding the VA medical care system at roughly a 7-percent increase over the last 10 years. On the other hand, as I said, medical care costs have gone up at a somewhat higher rate, so we are going to have to play some kind of catch up here.

While we may be keeping our head above the water, we do not have enough critical staff throughout the VA hospital system in my judgment. I want to say at this point that no Appropriations Subcommittee chairman has had a finer or better relationship than what I have had with the chairman of the authorizing committee, the gentleman from Mississippi [Mr. MONTGOMERY], and it is through his knowledge, and his interests and his commitment to America's veterans that our subcommittee has been able to do the things that we have done, and for his counsel, and his direction and leadership I want to express my personal appreciation and that of the subcommittee's as well.

□ 1110

Now, in housing I believe we have done an incredible job. The total appropriation for the Department of Housing and Urban Development is $23,809 million. That compares with about $23,617 million provided in 1991.

Now, get this. Within that total, we have provided $1,500 million for the newly authorized program called HOME. I must say, in all candor, that is probably a little more money than what I would have personally liked to have seen. This is a new program. I might have preferred a slower startup than what you see here. But the authorizing committees felt that this was an appropriate number. The Senate took the lead on this. We work in a collegial fashion, of course. The gentleman from Texas [Mr. GONZALEZ] and others on his committee felt strongly in terms of this issue, and we are pleased to have honored their requests.

We are going to watch how this program gets underway, and we are going to make some adjustments accordingly in the year ahead.

Incidentally, of keen interest to many Members, we have waived the local matching requirement at the request of the authorizers and at the insistence of the Senate. That is waived for only 1 year. It is the understanding that it will be revisited next year.

I might add we are providing $361 million for the Secretary's program HOPE. There is a $10 million increase above the level provided in the House bill for HOPE I.

I must say that there is no stronger advocate for the issues that he believes in and no more talented individual, no one who is as committed to pursuing the administration policy on housing, than Secretary Kemp. I count him as a personal friend. He is a former Member of this body and in addition was a member of the Committee on Appropriations.

We are also at the same time looking at the need for an increase of $1,200 million for contract renewals—a problem that was dumped in our laps at the last minute by the Department of Housing and Urban Development. They underestimated the number of section 8 contracts that will come up for renewal during fiscal year 1992.

Unless we provide this money, and we did not know about it, of course, until the Senate was going to markup, unless we provide this money, you literally could have people thrown out in the streets. We certainly do not want that.

Now, what about NASA? The latest report from the Augustine Commission to Admiral Truly, the Administrator of NASA, strongly suggests that NASA not continue to overload its plate of projects and programs.

Briefly, from the letter, there was one sentence in my mind that stuck out:

> The adoption of the content of one space program and the budget of another would be the greatest disservice of all, to this agency.

The problem is that is exactly where we are at. The budget request for NASA was $15,721 million. This bill appropriates $13,320 million, a reduction of $1,400 million.

In regard to NASA, let me say the distinguished gentleman from California [Mr. BROWN] has been a friend and an ally of this subcommittee, and has brought to our attention the needs of the agency. We have had a close working relationship with the gentleman and the Committee on Science, Space, and Technology. For that, I am very appreciative.

It does not take a genius to understand that the budget request for NASA was based on funding x number of programs at Y levels. But with a $1.4 billion reduction, and, get this, if you are going to fund the space station consistent with the direction that this House gave to the subcommittees in its amendments of early last summer, then some programs for NASA have to be eliminated or reduced or stretched out. Yes; I said eliminated.

We have attempted to do that. We are fitting again a size 12 foot into a size 9 shoe.

We have taken the NASA contribution to the national aerospace plane fundamentally to zero. We put in $5 million, in a sense to keep their oar in the program, a substantial part of which is funded through the defense budget.

We have canceled the flight telerobotic servicer. That was a favorite, I might add, of the subcommittee. We have terminated the Lifesat Program. We have recommended the cancellation of one of the advanced turbo pumps for the space shuttle main engine. We provided no funds for the space infrared telescope facility, which, by the way, was the highest single recommendation of the National Academy's Astronomy Committee for projects to be funded in the 1990's—a very painful decision, but a new start.

Let me repeat: We have not provided a nickel for SIRTF, even though it has the highest priority. We cut space shuttle operations by $330 million. We are not proud of that at all.

We have delayed the advanced x ray astrophysics facility for more than a year. That was one of my favorite projects.

We have salvaged the CRAF and CASSINI missions, but with a 1-year delay. We have cut the operations of installations funding under NASA's salaries and expense account by $175 million.

Mr. Speaker, I have to say it was very discouraging to sit in our conference and witness how desperately our friends in the aerospace community lobbied individual members to keep every one of these programs online, and that was their very right, even if they were going to be funded at totally inadequate levels, which would create for the subcommittee an impossible situation next year, in view of what we anticipate will be our allocation of money for the subcommittee.

Mr. Speaker, I hope I can bring some reality to this problem soon. If we are going to fund the space station NASA proposes to build as directed by the House and by the other body, given our future budget outlook, we are not going to fund a great deal else in some other programs.

In the environmental area I sincerely wish we could have done better. The totals for the EPA include an increase of $100 million in the agency's operating programs, and a total increase of about

$450 million when the Superfund and construction grant programs are included.

For the National Science Foundation we are providing an increase of 11 percent in the basic research account, and 13 percent in the education and human resources account, which is essential if we want our K–12 children to take an interest in math and sciences in this Nation.

Mr. Speaker, that is a summary of the 1992 bill. It was tough, but we did the best we could under these circumstances.

Mr. Speaker, I would like to correct a printing error in the statement of the managers on H.R. 2519, the 1992 VA, HUD, and Independent Agencies Appropriations Act.

On page 24612 of the CONGRESSIONAL RECORD dated September 27, 1991, under amendment No. 35, a special purpose grant provides $575,000 for emergency construction of water lines in Auburn, MA, to address presently irreversible hazardous contamination of the sole source of water for certain sections of the town. The grant is for the town of Auburn, not Ashburn as printed in the RECORD. There is no Ashburn in Massachusetts.

Mr. Speaker, I have discussed this matter with the minority and they agree that the grant is intended for Auburn, MA. Further, I understand that the Senate concurs that this was a printing error and will so note when the conference report is before that body.

Mr. Speaker, the motion that I will offer on amendment No. 146 incorporates a minor technical change to accommodate the Congressional Budget Office and the Budget Committees in connection with the scoring of this bill. With this adjustment, the language conforms to the existing budget agreement scoring rules and the VA-HUD-Independent Agencies appropriations bill meets all budget authority and outlay ceilings.

Mr. Speaker, the motion that I will offer on amendment No. 156 incorporates a minor, technical change to accommodate the House Science and Technology Committee in connection with setting aside transfer authority among National Science Foundation appropriation accounts.

The conference agreement repealed the transfer authority which has been carried in the legislative bill for some years. We took this action because of the very sensitive nature of funding for the entire Foundation—and particularly the Antarctic programs. In short, we do not want to leave open-ended transfer authority on the books in 1992.

The technical change we have made in the language sets aside the transfer authority only for the duration of fiscal year 1992.

Next year, when the Foundation is reauthorized, we'll be happy to work with the Science Committee on this overall issue.

Mr. Speaker, at this point I would include a table on the conference agreement.

H.R. 2519 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	16,397,135,000	15,841,620,000	15,841,620,000	15,841,620,000	15,841,620,000	-555,515,000
Readjustment benefits	752,500,000	635,400,000	635,400,000	635,400,000	635,400,000	-117,100,000
Veterans insurance and indemnities	15,410,000	25,740,000	25,740,000	25,740,000	25,740,000	+10,330,000
Loan guaranty revolving fund	670,200,000	.....	.....	.....	.....	-670,200,000
Guaranty and indemnity fund	80,800,000	.....	.....	.....	.....	-80,800,000
Guaranty and indemnity program account (indefinite)	.....	367,709,000	367,709,000	367,709,000	367,709,000	+367,709,000
Administrative expenses	.....	39,689,000	39,689,000	39,689,000	39,689,000	+39,689,000
Loan guaranty program account (indefinite)	.....	128,920,000	128,920,000	128,920,000	128,920,000	+128,920,000
Administrative expenses	.....	85,870,000	85,870,000	85,870,000	85,870,000	+85,870,000
Direct loan program account (indefinite)	.....	9,000	9,000	9,000	9,000	+9,000
(Limitation on direct loans)	.....	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+1,000,000)
Administrative expenses	.....	1,368,000	1,368,000	1,368,000	1,368,000	+1,368,000
Education loan fund program account	.....	8,000	8,000	8,000	8,000	+8,000
(Limitation on direct loans)	.....	(21,000)	(21,000)	(21,000)	(21,000)	(+21,000)
Administrative expenses	.....	307,000	307,000	307,000	307,000	+307,000
Vocational rehabilitation loans program account	.....	105,000	105,000	105,000	105,000	+105,000
(Limitation on direct loans)	.....	(1,688,000)	(1,688,000)	(1,688,000)	(1,688,000)	(+1,688,000)
Administrative expenses	.....	936,000	936,000	936,000	936,000	+936,000
Direct loan revolving fund (limitation on direct loans)	(1,000,000)	.....	.....	.....	.....	(-1,000,000)
Total, Veterans Benefits Administration	17,916,045,000	17,127,681,000	17,127,681,000	17,127,681,000	17,127,681,000	-788,364,000
Veterans Health Administration						
Medical care	12,335,490,000	13,287,096,000	13,495,096,000	13,527,920,000	13,512,920,000	+1,177,430,000
Medical equipment	.....	.....	90,000,000	90,000,000	90,000,000	+90,000,000
Copayment savings	.....	.....	-90,000,000	-90,000,000	-90,000,000	-90,000,000
Medical and prosthetic research	216,795,000	216,795,000	226,795,000	227,000,000	227,000,000	+10,205,000
Health professional scholarship program	10,113,000	10,113,000	10,113,000	10,113,000	10,113,000	.....
Medical administration and miscellaneous operating expenses	41,434,000	40,479,000	40,479,000	40,479,000	40,479,000	-955,000
Grants to the Republic of the Philippines	484,000	500,000	500,000	500,000	500,000	+16,000
Total, Veterans Health Administration	12,604,316,000	13,554,983,000	13,772,983,000	13,806,012,000	13,791,012,000	+1,186,696,000
Departmental Administration						
General operating expenses	860,969,000	790,159,000	787,159,000	805,159,000	796,000,000	-64,969,000
National Cemetary System	53,545,000	57,045,000	67,045,000	67,045,000	67,045,000	+13,500,000
Desert Shield/Desert Storm incremental costs	.....	.....	(14,100,000)	(14,100,000)	(14,100,000)	(+14,100,000)
Office of Inspector General	24,859,000	29,959,000	28,000,000	29,959,000	29,959,000	+5,100,000
Construction, major projects	580,000,000	450,000,000	522,000,000	309,850,000	414,250,000	-165,750,000
Construction, minor projects	130,640,000	195,701,000	189,701,000	190,701,000	190,701,000	+60,061,000
(Limitation on administrative expenses)	(44,420,000)	(46,176,000)	(45,176,000)	(41,176,000)	(41,176,000)	(-3,244,000)
Parking garage revolving fund	28,900,000	8,536,000	19,200,000	8,536,000	19,200,000	-9,700,000
Grants for construction of State extended care facilities	70,000,000	85,000,000	85,000,000	85,000,000	85,000,000	+15,000,000
Grants for the construction of State veterans cemetaries	3,946,000	5,104,000	5,104,000	5,104,000	5,104,000	+1,158,000
Total, Departmental Administration	1,752,859,000	1,621,504,000	1,703,209,000	1,501,354,000	1,607,259,000	-145,600,000
Total, title I, Department of Veterans Affairs:						
New budget (obligational) authority	32,273,220,000	32,304,168,000	32,603,873,000	32,435,047,000	32,525,952,000	+252,732,000
(Limitation on direct loans)	(1,000,000)	(2,709,000)	(2,709,000)	(2,709,000)	(2,709,000)	(+1,709,000)
(Limitation on administrative expenses)	(44,420,000)	(46,176,000)	(45,176,000)	(41,176,000)	(41,176,000)	(-3,244,000)
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Housing Programs						
Homeownership and opportunity for people everywhere grants (HOPE grants)	.....	865,400,000	361,000,000	215,400,000	136,000,000	+136,000,000
(By transfer)	.....	.....	.....	(225,000,000)	(225,000,000)	(+225,000,000)
HOME investment partnerships program	.....	1,000,000,000	500,000,000	2,000,000,000	1,500,000,000	+1,500,000,000
Annual contributions for assisted housing	9,525,000,000	9,065,790,000	9,985,790,000	7,917,000,000	8,070,201,000	-1,454,799,000
Rescission of assisted housing deobligations (budget authority, indefinite)	-535,190,000	-227,000,000	-227,000,000	-227,000,000	-167,000,000	+368,190,000
Total, annual contributions for assisted housing (net)	8,989,810,000	8,838,790,000	9,758,790,000	7,690,000,000	7,903,201,000	-1,086,609,000
Assistance for the renewal of expiring sec. 8 subsidy contracts	7,890,800,400	7,024,589,000	7,024,589,000	7,024,589,000	7,355,128,000	-535,672,400
Rental rehabilitation grants	70,000,000	.....	.....	.....	.....	-70,000,000
Rental housing assistance:						
Rescission of budget authority, indefinite	-46,000,000	-52,641,000	-52,641,000	-52,641,000	-52,641,000	-6,641,000
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,393,000)	(-2,393,000)	(-2,393,000)	(-2,393,000)	(-393,000)

H.R. 2519 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
Rent supplement program:						
Rescission of budget authority, indefinite	.....	-53,856,000	-53,856,000	-53,856,000	-53,856,000	-53,856,000
(Limitation on annual contract authority, indefinite)	.....	(-2,448,000)	(-2,448,000)	(-2,448,000)	(-2,448,000)	(-2,448,000)
Housing assistance for the elderly and persons with disabilities..	.....	152,810,000	.....	.....	.....	.....
Congregate services	9,500,000	.....	9,500,000	26,000,000	17,700,000	+8,200,000
Payments for operation of low-income housing projects	2,175,000,000	2,155,844,000	2,188,844,000	2,500,000,000	2,450,000,000	+275,000,000
Housing counseling assistance	8,000,000	3,700,000	8,350,000	3,700,000	6,025,000	-1,975,000
Flexible subsidy fund	.....	203,413,000	52,413,000	50,000,000	50,000,000	+50,000,000
Federal Housing Administration Fund	317,366,000	.....	.....	.....	.....	-317,366,000
(Limitation on guaranteed loans)	(75,000,000,000)	.....	.....	.....	.....	(-75,000,000,000)
Temporary mortgage assistance payments (limitation on direct loans)	(151,125,000)	.....	.....	.....	.....	(-151,125,000)
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	.....	(53,592,815,000)	(60,000,000,000)	(60,000,000,000)	(60,000,000,000)	(+60,000,000,000)
Administrative expenses	.....	255,645,000	255,645,000	255,645,000	255,645,000	+255,645,000
Offsetting receipts	.....	-255,645,000	-255,645,000	-255,645,000	-255,645,000	-255,645,000
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	.....	(8,651,901,000)	(8,651,901,000)	(8,651,901,000)	(8,651,901,000)	(+8,651,901,000)
Administrative expenses	.....	189,000,000	189,000,000	189,000,000	189,000,000	+189,000,000
Program costs	.....	54,911,000	54,911,000	54,911,000	54,911,000	+54,911,000
Total, Federal Housing Administration Fund	317,366,000	243,911,000	243,911,000	243,911,000	243,911,000	-73,455,000
Nonprofit sponsor assistance (limitation on direct loans)	(1,100,000)	.....	.....	.....	.....	(-1,100,000)
Drug elimination grants for low-income housing	150,000,000	165,000,000	165,000,000	165,000,000	165,000,000	+15,000,000
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(80,000,000,000)	(74,769,293,000)	(74,769,293,000)	(74,769,293,000)	(74,769,293,000)	(-5,230,707,000)
Administrative expenses	.....	6,595,000	6,595,000	6,595,000	6,595,000	+6,595,000
Offsetting receipts	.....	-279,700,000	-279,700,000	-279,700,000	-279,700,000	-279,700,000
Total, Housing Programs (net)	19,564,476,400	18,408,455,000	19,071,795,000	17,323,598,000	17,811,363,000	-1,753,113,400
Homeless Assistance						
Emergency shelter grants program	73,164,000	71,000,000	71,000,000	73,164,000	73,164,000	.....
Transitional and supportive housing demonstration program	150,000,000	150,000,000	150,000,000	150,000,000	150,000,000	.....
Supplemental assistance for facilities to assist the homeless	11,263,000	57,000,000	57,000,000	11,263,000	11,263,000	.....
Section 8 moderate rehabilitation, single room occupancy	105,000,000	.....	55,000,000	105,000,000	105,000,000	.....
Shelter plus care:						
Section 8 moderate rehabilitation, single room occupancy	.....	53,333,000	50,000,000	73,333,000	73,333,000	+73,333,000
Section 202 rental assistance	.....	37,200,000	37,200,000	37,200,000	37,200,000	+37,200,000
Homeless rental housing assistance program	.....	167,200,000	116,000,000	.....	.....	.....
Total, Homeless Assistance	339,427,000	535,733,000	536,200,000	449,960,000	449,960,000	+110,533,000
Community Planning and Development						
Community development grants	3,200,000,000	2,920,000,000	3,265,000,000	3,400,000,000	3,400,000,000	+200,000,000
(Limitation on guaranteed loans)	(140,000,000)	.....	(140,000,000)	(140,000,000)	(140,000,000)	.....
Urban homesteading	13,000,000	.....	.....	.....	.....	-13,000,000
Total, Community Planning and Development	3,213,000,000	2,920,000,000	3,265,000,000	3,400,000,000	3,400,000,000	+187,000,000
Policy Development and Research						
Research and technology	28,500,000	35,000,000	29,500,000	25,000,000	25,000,000	-3,500,000
Fair Housing and Equal Opportunity						
Fair housing activities	12,410,000	13,000,000	13,000,000	13,000,000	13,000,000	+590,000
Management and Administration						
Salaries and expenses (multiple accounts)	429,500,000	444,453,000	438,453,000	444,453,000	438,453,000	+8,953,000
(By transfer, limitation on FHA corporate funds)	(396,000,000)	(435,000,000)	(435,000,000)	(435,000,000)	(435,000,000)	(+39,000,000)
Office of Inspector General	29,283,000	35,020,000	34,000,000	35,020,000	35,020,000	+5,737,000
(By transfer, limitation on FHA corporate funds)	(10,000,000)	(9,645,000)	(9,645,000)	(9,645,000)	(9,645,000)	(-355,000)
Total, title II, Department of Housing & Urban Development:						
New budget (obligational) authority (net)	23,616,596,400	24,257,061,000	24,248,948,000	23,906,431,000	23,808,796,000	+192,199,600
Appropriations	(24,197,786,400)	(24,590,558,000)	(24,582,445,000)	(24,239,928,000)	(24,082,293,000)	(-115,493,400)
Rescissions	(-581,190,000)	(-333,497,000)	(-333,497,000)	(-333,497,000)	(-273,497,000)	(+307,693,000)
(By transfer)	.....	.....	.....	(225,000,000)	(225,000,000)	(+225,000,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-4,841,000)	(-4,841,000)	(-4,841,000)	(-4,841,000)	(-2,841,000)
(Limitation on direct loans)	(152,225,000)	.....	.....	.....	.....	(-152,225,000)
(Limitation on guaranteed loans)	(155,140,000,000)	(137,014,009,000)	(143,561,194,000)	(143,561,194,000)	(143,561,194,000)	(-11,578,806,000)
(Limitation on corporate funds to be expended)	(406,000,000)	(444,645,000)	(444,645,000)	(444,645,000)	(444,645,000)	(+38,645,000)

H.R. 2519 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	15,900,000	18,440,000	18,440,000	18,440,000	18,440,000	+2,540,000
Commission on National and Community Service						
Salaries and expenses	2,000,000	.....	.....	2,000,000	2,000,000	.....
Program activities	55,000,000	.....	.....	73,000,000	73,000,000	+18,000,000
Total, Commission on National and Community Service	57,000,000	.....	.....	75,000,000	75,000,000	+18,000,000
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	.....	5,000,000	.....	.....	.....	.....
Consumer Product Safety Commission						
Salaries and expenses	37,109,000	39,200,000	40,200,000	39,200,000	40,200,000	+3,091,000
Court of Veterans Appeals						
Salaries and expenses	7,481,000	9,133,000	9,133,000	9,133,000	9,133,000	+1,652,000
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	12,236,000	12,587,000	12,587,000	12,587,000	12,587,000	+351,000
Environmental Protection Agency						
Salaries and expenses	974,700,000	1,090,000,000	1,084,000,000	1,029,000,000	1,040,500,000	+65,800,000
Office of Inspector General	37,000,000	41,200,000	39,661,000	41,200,000	41,200,000	+4,200,000
Research and development	254,900,000	313,000,000	333,875,000	313,000,000	323,000,000	+68,100,000
Abatement, control, and compliance	1,006,525,000	1,019,500,000	1,133,625,000	1,142,500,000	1,133,625,000	+127,100,000
Buildings and facilities	40,000,000	13,000,000	39,700,000	18,000,000	39,300,000	-700,000
Subtotal, operating programs	2,313,125,000	2,476,700,000	2,630,861,000	2,543,700,000	2,577,625,000	+264,500,000
Hazardous substance superfund	1,616,228,000	1,750,000,000	1,630,000,000	1,616,228,000	1,616,228,000	.....
(Limitation on administrative expenses)	(233,000,000)	.....	(260,000,000)	(180,000,000)	(240,000,000)	(+7,000,000)
Leaking underground storage tank trust fund	65,000,000	85,000,000	85,000,000	75,000,000	75,000,000	+10,000,000
(Limitation on administrative expenses)	(6,000,000)	.....	(6,400,000)	(6,400,000)	(6,400,000)	(+400,000)
Construction grants	2,100,000,000	1,900,000,000	2,195,000,000	2,400,000,000	2,400,000,000	+300,000,000
Total, Environmental Protection Agency	6,094,353,000	6,211,700,000	6,540,861,000	6,634,928,000	6,668,853,000	+574,500,000
Executive Office of the President						
Council on Environmental Quality and Office of Environmental Quality	1,873,000	2,560,000	2,560,000	2,560,000	2,560,000	+687,000
National Space Council	1,363,000	1,491,000	1,491,000	1,491,000	1,491,000	+128,000
Office of Science and Technology Policy	3,560,000	3,880,000	3,880,000	9,410,000	6,010,000	+2,450,000
The Points of Light Foundation	5,000,000	7,500,000	.....	7,500,000	5,000,000	.....
Total, Executive Office of the President	11,796,000	15,431,000	7,931,000	20,961,000	15,061,000	+3,265,000
Federal Emergency Management Agency						
Disaster relief	.....	274,459,000	184,459,000	184,459,000	184,459,000	+184,459,000
Disaster assistance direct loan program account	.....	541,000	541,000	541,000	541,000	+541,000
(Limitation on direct loans)	.....	(6,000,000)	(6,000,000)	(6,000,000)	(6,000,000)	(+6,000,000)
Salaries and expenses	143,000,000	166,363,000	165,113,000	163,113,000	163,113,000	+20,113,000
Office of Inspector General	3,351,000	5,144,000	3,600,000	5,144,000	5,144,000	+1,793,000
Emergency management planning and assistance	282,624,000	277,827,000	277,827,000	285,827,000	285,827,000	+3,203,000
Emergency food and shelter program	134,000,000	100,000,000	134,000,000	134,000,000	134,000,000	.....
Total, Federal Emergency Management Agency	562,975,000	824,334,000	765,540,000	773,084,000	773,084,000	+210,109,000
General Services Administration						
Consumer Information Center	1,540,000	1,944,000	1,944,000	1,944,000	1,944,000	+404,000
(Limitation on administrative expenses)	(2,172,000)	(2,285,000)	(2,285,000)	(2,285,000)	(2,285,000)	(+113,000)
Department of Health and Human Services						
Office of Consumer Affairs	1,964,000	2,103,000	2,103,000	2,103,000	2,103,000	+139,000
Interagency Council on the Homeless						
Salaries and expenses	1,083,000	1,300,000	1,083,000	1,083,000	1,083,000	.....

H.R. 2519 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, 1992

	FY 1991 Enacted	FY 1992 Estimate	House	Senate	Conference	Conference compared with enacted
National Aeronautics and Space Administration						
Research and development	6,023,600,000	7,198,500,000	6,023,600,000	6,549,000,000	6,413,800,000	+390,200,000
Space flight, control and data communications	6,334,132,000	5,608,300,000	5,157,075,000	4,907,000,000	5,157,075,000	-1,177,057,000
Portion applied to debt reduction	-1,209,732,000	-32,675,000	-32,675,000	-32,675,000	-32,675,000	+1,177,057,000
Construction of facilities	497,900,000	480,300,000	497,900,000	525,000,000	525,000,000	+27,100,000
Research and program management	2,211,900,000	2,452,300,000	2,211,900,000	2,342,300,000	2,242,300,000	+30,400,000
Office of Inspector General	10,500,000	14,600,000	10,500,000	14,600,000	14,600,000	+4,100,000
Total, National Aeronautics and Space Administration	13,868,300,000	15,721,325,000	13,868,300,000	14,305,225,000	14,320,100,000	+451,800,000
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	.....
(Limitation on administrative expenses, corporate funds)	(893,000)	(964,000)	(964,000)	(964,000)	(964,000)	(+71,000)
National Commission on Financial Institution Reform, Recovery, and Enforcement						
Salaries and expenses	.....	.....	.....	1,000,000	1,000,000	+1,000,000
National Commission on Native American, Alaska Native, and Native Hawaiian Housing						
Salaries and expenses	.....	.....	.....	500,000	500,000	+500,000
National Institute of Building Sciences						
Payment to the National Institute of Building Sciences	.....	.....	250,000	.....	.....	.....
National Science Foundation						
Research and related activities	1,694,200,000	1,963,500,000	1,960,500,000	1,926,000,000	1,879,000,000	+184,800,000
Academic research facilities	20,478,000	.....	20,000,000	.....	.....	-20,478,000
Academic research instrumentation	.....	50,000,000	.....	.....	.....	.....
Academic research facilities and instrumentation	.....	.....	.....	46,000,000	33,000,000	+33,000,000
United States Antarctic research activities	100,000,000	118,000,000	118,000,000	78,000,000	78,000,000	-22,000,000
United States Antarctic logistical support activities	75,000,000	75,000,000	75,000,000	10,000,000	10,000,000	-65,000,000
Education and human resources activities	322,350,000	390,000,000	435,000,000	465,000,000	465,000,000	+142,650,000
Salaries and expenses	101,000,000	122,000,000	109,000,000	117,000,000	109,000,000	+8,000,000
Office of Inspector General	3,000,000	3,500,000	3,300,000	3,500,000	3,500,000	+500,000
Total, National Science Foundation	2,316,028,000	2,722,000,000	2,720,800,000	2,645,500,000	2,577,500,000	+261,472,000
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	25,554,000	26,900,000	26,900,000	36,900,000	31,900,000	+6,346,000
Selective Service System						
Salaries and expenses	26,635,000	27,480,000	27,480,000	27,480,000	27,480,000	+845,000
Total, title III, Independent Agencies:						
New budget (obligational) authority (net)	23,039,954,000	25,638,877,000	24,043,552,000	24,605,068,000	24,575,968,000	+1,536,014,000
(Limitation on administrative expenses)	(241,172,000)	(2,285,000)	(268,685,000)	(188,685,000)	(248,685,000)	(+7,513,000)
(Limitation on direct loans)	(600,000,000)	(606,000,000)	(606,000,000)	(606,000,000)	(606,000,000)	(+6,000,000)
(Limitation on corporate funds to be expended)	(893,000)	(964,000)	(964,000)	(964,000)	(964,000)	(+71,000)
TITLE IV						
CORPORATIONS						
Federal Deposit Insurance Corporation:						
FSLIC Resolution Fund	22,000,000,000	3,419,000,000	15,899,000,000	15,867,000,000	15,867,000,000	-6,133,000,000
Portion applied to liquidation of authority to borrow	-22,000,000,000	-3,419,000,000	-15,899,000,000	-15,867,000,000	-15,867,000,000	+6,133,000,000
Resolution Trust Corporation: Office of Inspector General	10,785,000	30,328,000	30,328,000	30,328,000	30,328,000	+19,543,000
Total, title IV, Corporations	10,785,000	30,328,000	30,328,000	30,328,000	30,328,000	+19,543,000
Grand total:						
New budget (obligational) authority (net)	78,940,555,400	82,230,434,000	80,926,701,000	80,976,874,000	80,941,044,000	+2,000,488,600
Appropriations	101,521,745,400	(85,982,931,000)	(97,159,198,000)	(97,177,371,000)	(97,081,541,000)	(-4,440,204,400)
Rescissions	(-581,190,000)	(-333,497,000)	(-333,497,000)	(-333,497,000)	(-273,497,000)	(+307,693,000)
(By transfer)	.....	.....	.....	(225,000,000)	(225,000,000)	(+225,000,000)
(Limitation on administrative expenses)	(285,592,000)	(48,461,000)	(313,861,000)	(229,861,000)	(289,861,000)	(+4,269,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-4,841,000)	(-4,841,000)	(-4,841,000)	(-4,841,000)	(-2,841,000)
(Limitation on direct loans)	(753,225,000)	(608,709,000)	(608,709,000)	(608,709,000)	(608,709,000)	(-144,516,000)
(Limitation on guaranteed loans)	(155,140,000,000)	(137,014,009,000)	(143,561,194,000)	(143,561,194,000)	(143,561,194,000)	(-11,578,806,000)
(Limitation on corporate funds to be expended)	(406,893,000)	(445,609,000)	(445,609,000)	(445,609,000)	(445,609,000)	(+38,716,000)

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

Mr. Speaker, I will not cover the whole gamut of the bill, which has been so ably done by the distinguished chairman of our subcommittee, but rather address certain issues that I think may be of particular interest to Members.

First, I have to say at the outset that I discussed this bill as recently as last night with the Director of the Office of Management and Budget, and there still is no administration decision on this bill. So I cannot assure Members that the bill will in fact be signed in its present form, nor am I suggesting that it will not be signed. That simply remains an open question at this moment.

As the chairman indicated, and this is the second point I wish to address, the bill involves very significant scoring issues of which the House should be aware. Perhaps the largest of those is the issue relating to the section 202 program for nonprofit sponsorship of housing for the elderly.

As Members may remember, in a recent housing bill we voted to change that from a loan program to a grant program. In the past we have provided an appropriation for loans for the housing, and then we provided a further appropriation under the section 8 program. That section 8 funding largely enabled the nonprofit sponsors to pay back the loans which we had given them under the 202 program.

An issue arose under the credit reform legislation that we passed as part of last year's budget agreement as to whether if we now recapture the 202 loan funds and the associated section 8 funds and convert the program into a grant program as to projects previously funded, we would be able to get the full amount of the recaptured loan program allocated to us for budget purposes. The argument turned on the fact that starting with fiscal year 1992, loan programs are being scored quite differently from the way they have been through fiscal year 1991.

□ 1120

At least tentatively, OMB has accepted the idea that we can get the full amount of the recaptured loan authority despite the new credit rules, and that provides us with roughly $1.75 billion for this bill. As the distinguished chairman of the subcommittee has pointed out, that and other accounting devices in this bill are not going to be available to us next year, and I think we all should understand that we may have to be a leaner bill on some of these problems next year than we have been this year.

There are a number of other issues which simply remain unresolved at this point.

One is a question of whether some money for the Antarctic program is properly attributable to the defense account as opposed to the domestic discretionary account. The bill also does not provide for over $700 million that the Federal Emergency Management Agency needs to pay sums due with respect to past disasters. I think it is safe to say that there remains a disagreement between the Democratic leadership of the Committee on Appropriations and the Office of Management and Budget as to whether that funding qualifies as emergency funding. While on its face, of course, anything related to disasters would appear to be an emergency and fit in the emergency category under the budget agreement. The administration takes the position that that $700 million gap exists because in the past the Congress funded FEMA at lower levels than the administration had requested for this account. The administration therefore takes the position that while the disasters are acts of God, the underfunding of that account was an act of men and therefore does not qualify under the budget agreement as an emergency.

As I said, that remains to be resolved. So there are a lot of loose ends here, and everyone should understand that those loose ends are here when they come to vote on this bill.

I think it is important to point out to my House colleagues that on the two issues where they spoke contrary to the judgment of the Appropriations Subcommittee and the full Committee on Appropriations, their views have been respected. The space station is funded and not just at the House-passed $1.9 billion, but at the higher Senate figure, which the administration supported. So we have very gracefully accepted the mandate that we got from the House to move ahead with the space station.

I shall have more to say in a minute about what the consequences are, however, of that mandate.

The other area where the full House reversed our subcommittee was on the question of funding for the HOPE I program. On that, though we did not go to the full Senate level, we did go to $10 million above the House level. So again, I think the House should recognize that we have fully responded to the instruction we got from the full House and went into the conference fully trying to achieve all of the goals that the House had asked of us.

I now come to the part of the bill that leaves me very unhappy, and that is the consequence for NASA of the funding for the space station. Let me say that in the conference I proposed a $65 million reduction from the Senate level in the space station, which would have left us roughly half way between the House and the Senate levels, in order to try to ease, not totally to solve, but to ease some of the pain in the science and environmental programs that I am about to discuss.

However, a majority of the conference disagreed with my judgment that we could prudently take that $65 million from the station program, and I certainly understand their thinking.

They are rightly aware of the past history at NASA of cost overruns in major programs. They see the budget difficulties that lie ahead of us and, under those circumstances, they thought it was imprudent to start new programs or to accelerate other programs. I certainly respect their feelings on that matter, despite my regrets at where that leads us in the science programs and other important programs at NASA.

Let us see the price that we are paying for the space station, because I think everyone in this House ought to understand just what we did back a couple of months ago when we voted to continue the space station program. Let me start with the national aerospace plane program. That program is seen by many, including me, as very important for the future of America's lead in the aviation field.

In essence, NASA is almost totally out of that program. We did put in $5 million, as the chairman noted, essentially to keep NASA's franchise. But if this program is going to move ahead, it is going to move ahead with Defense Department dollars, not NASA dollars. Everyone should understand that.

The infrared telescope, which most of the astronomical community considers their highest priority for a new start at NASA, was not started. And when it will be started, if it ever will be started, I cannot say.

The orbiting solar/laboratory was not started, and I think it is highly unlikely that we will see that anywhere in the immediate future. If it is any solace to those interested in that mission, I am told by an astronomer who has played a major role in the planning for it that he and others have been approached by the Japanese with a suggestion that they turn the program over to the Japanese and launch on a Japanese vehicle. So at least the science may get done, though if so it will be the Japanese rather than Americans who will be leading the effort.

The advanced x-ray telescope has been put off at least for a year, although there is funding in here to keep the program alive. That postponement occurs despite the fact that the tests on the mirror have turned out to be excellent, and it is clear that from a technological point of view this program could be done and done very successfully.

Mission to planet Earth, which is vitally important to us from an environmental point of view, will be delayed a year. And the synthetic aperture radar, which most involved in mission to planet Earth think is a critical element of it, was not given a start.

The flight telerobotic servicer, which some of us had hoped would lead to sig-

nificant improvements in the country's telerobotics capacity, has been terminated. The Lifesat Program, an important life sciences program, has been terminated. CRAF and CASSINI have been delayed.

Finally, there are significant cuts in the shuttle program, and I fear that we may one day pay very heavily for not providing spare parts and for the cut in shuttle operations. Those are the realities of life. This House has spoken and the Senate has spoken on the space station. In the conference, we faithfully followed the charge that we received from the House. I have outlined the consequences.

One other program we were not able to fund was the Shelter Plus Care Program in the housing field. Again, we simply ran out of money at the end of the conference and that is a program which outlays somewhat more rapidly than some of the other housing programs. In the end, we were not able to start it.

Through its concept of putting more social services into housing for those who are in need of services, that program could yield some very important results, and I hope that we shall be able to move ahead with it at some future point.

But the reality is, there is only so much money in the till and the till is now empty with what we have in this bill.

That is the bill that we bring to my colleagues. It is not the bill that I should have liked to bring, but it is the bill that we were asked to bring by Members' votes last spring.

I certainly must urge my colleagues under the circumstances to move the bill forward by passing this conference report.

Let me conclude by expressing my thanks to the distinguished chairman of the subcommittee for his leadership in this very, very difficult year for the subcommittee. Without his good cheer and his great grasp of all of these very complex programs and, most important of all, the courtesy that he has shown not just to me as ranking minority member but all the members of the subcommittee, I do not think we could have reached this point today.

He did follow faithfully what our colleagues asked him to do here in this House and I now urge my colleagues to support him in this report that he brings back from the conference and to pass the conference report, so that we can get these programs moving rapidly.

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

□ 1130

Mr. TRAXLER. Mr. Speaker, I am pleased to yield such time as he may consume to the chairman of the full committee, the dean of the House and a dear friend and my mentor, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I want to commend the gentleman from Michigan [Mr. TRAXLER] and my other colleagues on the VA-HUD subcommittee for the fine work done in reaching this conference agreement.

In view of the financial situation facing the Nation, this is a good agreement and is consistent with the actions of the conference committee.

This is a very important bill. It provides funds to meet the needs of our veterans, for housing, for the National Science Foundation, and the National Aeronautics and Space Administration.

Mr. Speaker, if we are to retain our position in the world, it is more important than ever to continue making research investments that will provide direct, and indirect, benefits to the Nation and to maintain a sound economy.

Mr. Speaker, the bill includes funds for the advanced solid rocket motor program needed to increase the amount of thrust and improve the safety of new rocket motors. These new motors are needed for use in our space program for the shuttle program, and for the heavy lift-expendable launch vehicles. Facilities to produce this advanced motor needed for improved safety, and to provide additional thrust, are located at Yellow Creek, MI.

Mr. Speaker, this is an excellent agreement and represents the good hard work of the members of this subcommittee, and I urge that it be adopted.

Mr. GREEN of New York. Mr. Speaker, I yield such time as he may consume to the distringuished ranking minority member of the full Appropriations Committee, the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, I am pleased to rise in support of this conference report making appropriations for the Department of Housing and Urban Development, veterans, NASA, EPA, the National Science Foundation, and so many other agencies. It is a good work product, and I want to congratulate the distinguished gentleman from Michigan [Mr. TRAXLER], the chairman of the subcommittee, for the work that he has done. And I want to express my deep gratitude to the ranking member, the gentleman from New York [Mr. GREEN]. Together they, with the members of their subcommittee, have worked on what is undeniably one of the most difficult bills that the members are forced to face each year. There are so many areas of dispute in this bill by the nature of it, and so many subjects of great interest and complexity, that by definition one could make a career in any one title of this bill. So they have done an enormous job in getting a bill that the members have signed off on and bringing it to the floor, and I am very pleased to stand and recommend to the House that we pass it.

At the outset, I do need to reference back to the statement that my friend from New York, Mr. GREEN, made about the FEMA funding that is in controversy back and forth around the Capitol at the moment. There is a $700 million shortfall in FEMA funding for the disaster program.

There was a requested supplemental in fiscal year 1991 which has not as yet been addressed. The consequence of that is that we have set the stage for, what my friend from New York referred to as, acts of God that are going to have to be paid for somewhere down the road. But by failing to come to grips with it in fiscal year 1991, we are moving it over into fiscal year 1992, and it is going to be much more difficult to get the necessary funding to cover the needs in areas of the country where there have been disasters. We are going to have a hard time working that out.

I want to express my appreciation to both my friends, Chairman TRAXLER and BILL GREEN, again, not just for working through the problems of the space station, but also the housing sections which were also in controversy. I want to personally thank them for working out the language that had been inserted that was offensive to the Secretary, and my friend, BOB TRAXLER, for increasing the level of funding that was needed to try to get this program off and running.

There is, as has been evidenced by the gentlemen who preceded me, some difference in the cost estimates from OMB and CBO—affectionately referred to around here as the bean counters—about how this bill ought to be scored. The bean counters at this point, apparently, although we do not know definitively, might have some differences of opinion. It is a minor and technical matter, and in my judgment, can be taken care of as we move forward, but there is that difference, and it may cause us at some point to revisit the bill. I hope it will not, and I do not think there is any real justification for any Member to be concerned about this bill, which in my view is a fine work product that the gentlemen on the committee have worked hard on to bring to us. And I urge its adoption.

This conference report is of special significance and importance, because it addresses a diverse array of essential programs and services of direct value and benefit to virtually all Americans. Programs funded in this conference report make it possible for this Nation's veterans, who have contributed so much to defend our freedom and our country, to receive pension benefit payments, health and medical care, and housing assistance.

FHA loan guarantees, home ownership opportunities for middle-income families, and rental assistance for the elderly, disabled, and poor, including programs to help alleviate homeless-

ness, are all part of this conference report. Other necessary, and important, HUD assistance is made available to help States and local communities maintain and restore community development needs and public facility infrastructure.

One of our country's highest priorities, and greatest concerns, is to maintain and aggressively attack air, water, and other forms of pollution problems. The funds provided for the Environmental Protection Agency make it possible for our Government, working in cooperation with States and localities, to make the environment safe and clean.

We have always been a Nation of explorers and our space and science activities, carried out by NASA, represent the hope of the future and even a visionary way for solving many of our environmental problems here on earth today. These NASA exploration and space science efforts are investments in the future and are maintained, but limited by cost considerations in the conference report.

The conference report also provides money to help people who are hurt by natural disasters through the response of the Federal Emergency Management Agency. In total there are 27 separate departments and agencies which receive funding and support in this conference report. Many of these independent agencies perform vital consumer-protection functions and protect the public by regulations of the banking system.

To say that this conference report, which we are now considering, is of the utmost importance to the stability and welfare of the Nation, is an understatement. All of these programs and services, of course, are expensive to maintain especially in this era of scarce Federal resources. The total amount of new budget authority, which is made available for fiscal year 1992 by the conference report, is almost $81 billion which is about $3 billion more than last year.

Mr. Speaker, we are all very fortunate and owe a debt of gratitude to the subcommittee chairman, BOB TRAXLER, and to our ranking Republican, BILL GREEN, two of the very best and brightest of our leaders and managers who are responsible for directing this important bill in the House. This year once again, Chairman TRAXLER and Representative GREEN have worked another miracle in steering this very difficult legislation through rocky and dangerous waters to a safe harbor. Both of these fine gentlemen, my good friends and colleagues in arms on the Appropriations Committee, have managed this year's VA, HUD, and Independent Agencies appropriations bill and final conference agreements with great skill, intelligence, and fairness. And along with our hall of fame and distinguished chairman of the whole committee, Mr. WHITTEN deserves the respect and appreciation of every Member of this House.

Because most of the important and relevant details contained in the conference report have been described in a comprehensive and useful manner by our talented chairman, Congressman TRAXLER, and Congressman GREEN, I will take advantage of this opportunity to comment very briefly on several specific and important issues of concern to me.

First, I am very concerned that the FEMA emergency disaster relief fund has not been adequately funded. This fund, which provides urgent and emergency relief and assistance to victims of declared national disasters, has been seriously underfunded and is now depleted. To date, FEMA needs close to $700 million to pay for claims in 35 States which have experienced declared natural disasters. Regrettably the conference report only provides $184.459 million for fiscal year 1992 disaster relief. The President's fiscal year 1992 budget asked Congress to fund this account for $274.459 million. In addition the committee has also unfortunately rejected the President's fiscal year 1991 supplemental request submitted in June for $693 million, which could have avoided this crisis. Mr. Speaker, it is my great hope that we will very shortly work in a cooperative and less partisan manner to resolve this dispute and make urgent funds quickly available to FEMA.

I am both disappointed and concerned that we were not able to respond more positively to the requests received from our good friend and former House colleague, HUD Secretary Jack Kemp. Secretary Kemp has worked tirelessly to revitalize HUD and he firmly believes that the HOPE program is a key element for a better housing policy. The House only approved $151 million for HOPE I public housing homeownership assistance, due to the good efforts made by a number of Members on the floor, including Congressman JIM KOLBE. I was also successful in getting the conferees to agree to accept $161 million, which is quite disappointing to me and Secretary Kemp. I urge my colleagues on the committee to work with Secretary Kemp to increase funding for the HOPE program, which shows great promise in next year's bill.

On a more positive note, Mr. Speaker, I am very pleased that the conference agreement provides for an increase in veterans medical and health care funding and for medical and prosthetic research. Overall VA funding for health care will be increased to $13.791 billion for fiscal year 1991, which is over $1 billion more than was appropriated in fiscal year 1991.

I am very supportive of the HOME investment partnerships program which was authorized as a new program by the National Affordable Housing Act last year. HOME offers choice and flexibility to States and local communities for delivering housing assistance, and will be especially beneficial to Pennsylvania and counties and cities located in my district as well as the entire country. I am pleased that the conference agreement approves $1.5 billion for HOME.

I strongly support the increase provided for the highly successful Community Development Block Program administered by HUD. Fully $3.4 billion is recommended for CDBG, an increase of $480 million above 1991. HUD funds have been increased for the section 202 elderly and disabled capital grant program to support a highly needed, and worthwhile, increase for 11,250 new housing units. And almost $450 million more aid is made available for homeless assistance under the McKinney Act programs for an increase of $111 million above last year's level.

Mr. Speaker, in my mind there is no mission which is more urgent, or vital, than that which has been charged to the Environmental Protection Agency. And I am pleased that the conference agreement recognizes the urgency of our commitment for maintaining a clean and safe environment. An increase of $574 million above fiscal year 1991 is recommended to support EPA programs at a level of $6.669 billion. I am however, opposed to that part of the conference report which reduces EPA salaries and expenses $50 million below the President's budget request.

I am satisfied that the conference report, despite our very tight budget allocations and constraints, preserves our continued support to maintain space science and space exploration activities carried out by NASA. These programs offer our best hope and opportunity for the future in helping us to solve many of most perplexing environmental and scientific challenges. I am especially gratified that space station Freedom is fully funded at the President's request for $2,028,900,000 in fiscal year 1991. And space research and development, while reduced below the budget request, still receives $6.413 billion, closer to the higher House level.

It is clear to me that NASA can, and should, carefully select priorities and seek diligently to achieve better cost efficiencies in 1993 and beyond.

I am happy to advise that President Bush's voluntary support program, which has been so successful known as The Points of Light Foundation, has been funded in the conference agreement for $5 million.

In conclusion, Mr. Speaker, and my friends and colleagues in the House, in this time of scarce Federal dollars we are all forced to make very difficult choices and set priorities among worthy and competing objectives, and this creates a situation where it is not possible to provide for everyone's wants. I

believe that under the circumstances the VA, HUD, and Independent Agencies conference report we are considering is very fair, and balanced, and strongly recommend its approval.

Mr. TRAXLER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from California [Mr. BROWN], chairman of the Committee on Science, Space, and Technology, the authorizing committee.

Mr. BROWN. Mr. Speaker, may I express my deep appreciation to my dear friend, the gentleman from Michigan [Mr. TRAXLER] for yielding this time because I known how pressed he is for time, and I know he is giving me the time only because I promised him that I was going to support the bill, and I reiterate that.

Mr. Speaker, I want to take this opportunity to comment on the matters under the jurisdiction of the Committee on Science, Space, and Technology that are funded in H.R. 2519. First, I want to commend the gentleman from Michigan [Mr. TRAXLER] and the gentleman from New York [Mr. GREEN] and all of the other conferees for their hard work on this bill. Indeed, there can be no doubt that some very difficult choices had to be made within the confines of the budget agreement.

The conference report addresses many of the same issues the authorizing committee has dealt with over the past year, and for the most part, the funding decisions are reasonable. There is one disturbing aspect of the process however that I must call to the attention of my colleagues since it threatens to undermine any good work that we manage to do. That relates to the practice of adding unauthorized, unrequested earmarks for personal interest items.

This, of course, is in many ways a time-honored tradition of this body and could be overlooked if it were not for the severe budgetary environment that we have had to operate within this year and for the foreseeable future. This year, the budget reductions that Congress has had to make has made it entirely inappropriate to indulge in the earmarking that we are being asked to approve.

Mr. Speaker, I will include as a part of my statement a full list of these projects. I want to take a few moments to cite a few examples and explain why I believe this practice has simply gone too far.

In the NASA area, I am certain that my colleagues recall the debate earlier this year over the space station. That debate was, in many ways, a historic one. We were asked to make a major decision on whether we could afford to continue the space station when so many other programs were in dire need of funding. These included space science programs, housing programs, environmental programs, and veterans programs. We voted to continue the station and there can be no doubt that many of these other meritorious programs have not received the funding they needed.

Yet the conference report contains over $100 million in projects that were never requested by the administration, never authorized, and never discussed on the floor. We were never given the choice between the station and these projects. These appear in the NASA portion of the budget but some can scarcely even be called space projects.

The conferees generously set aside over $40 million for a vast variety of brick and mortar projects in West Virginia. These include $22.5 million in funding for a National Technology Transfer Center in Morgantown, WV. The proponent envisions that persons inquiring about technological advances that are taking place through Government projects must write to West Virginia for the answer. It includes $7.5 million in continued funding for the Wheeling, WV; Jesuit College. I do not believe anyone in Congress or in NASA knows what this will be used for.

It includes continued funding for a consortium of universities and consultants in the Saginaw, MI, area which somehow has emerged as the center for environmental research over the past 3 years. Total funding for this project, called CIESIN, is now over $41 million all awarded without adequate competition and virtually no congressional oversight. NASA itself has little idea where this funding is going.

It includes $20 million for the Christopher Columbus Center for Marine Research in Baltimore. I stress marine research, not space research.

Mr. Speaker, the Congress and the American people have entrusted NASA with managing and carrying out the Nation's space program. This as we know is a challenging task of major proportion. NASA is now struggling to come to grips with its responsibilities within the current budgetary climate. The conferees reduced the NASA budget by over $1.4 billion and the growth in the space program will not even cover inflationary increases. On top of all of this, the conferees have chosen to lay additional distractions on NASA completely unrelated to their purpose.

The conference report terminates a vast variety of NASA scientific projects such as the space infrared telescope, our next great observatory, the orbiting solar observatory that will provide valuable data on the Sun, and the flight telerobotic servicer. These are all projects that scientists have spent decades planning and developing. These are all projects that could have been funded with a little more restraint on the part of the conferees.

Elsewhere in the conference report is funding for the programs of the National Science Foundation [NSF]. The conference agreement is an increase over the NSF funding for fiscal year 1991 of about $260 million, an increase of 11 percent. In these times of budgetary restraint, this increase is welcome and I commend the Appropriations Committee for their effort on behalf of the National Science Foundation and the Nation's science and technology needs.

I note that while the recommended funding level represents an increase, the funding for research at NSF in this agreement is below that passed by either the House or the Senate. This is the only NSF function which is below the funding level approved by one of the Houses and is probably the most critical function at NSF. I will not quibble with this decision, but would like to point the situation out.

A point on which I will quibble is the amendment reported in disagreement with the Senate dealing with funding for the Antarctic Research Program. We anticipate a transfer of $105 million from the Department of Defense [DOD] to the NSF for logistical support activities in Antarctica. The Senate sought to allow the transfer of funds from DOD in its bill and the managers on the part of the House propose to enforce that proposal by striking language in the NSF, authorization which permits limited transfers of funds within NSF, leaving the DOD transfer as the only way to fund the Antarctic Research Program.

I cannot agree to the proposed amendment by the House conference managers. This proposal, while seeming to force the administration to live up to their promise to transfer funding for logistical support, violates a principle which is central to our committee. The House Science, Space, and Technology Committee cannot allow another committee to repeal provisions which have been put into law in one of our authorization bills. We would like to come to an agreement with our friends on the House Appropriations Committee and insure the continuation of the Antarctic Research Program, but we cannot simply allow someone else to amend statutes under our committee's jurisdiction.

I must note with some concern that the conference agreement contains language earmarking $2 million for planning a demonstration for shared super computer use. While I agree with the need for this type of a program, I worry that we are moving dangerously close to earmarking within the NSF funding, a threshold which we have not crossed to date. I will be watching this development carefully in future funding proposals.

Moving to another critical science function funded in this bill, I would like to commend the Appropriations Committee for the funding level recommended for the White House Office of Science and Technology Policy [OSTP]. The conference agreement recommends $6.01 million for OSTP in fis-

cal year 1992, with specific provision of $1.6 million for the Critical Technologies Institute at OSTP. We on the House Science, Space, and Technology Committee feel strongly that this Institute needs to move forward without further delay.

Another function under the jurisdiction of the House Science, Space, and Technology Committee which is funded in this bill is the research and development activity of the Environmental Protection Agency [EPA]. The recommendation contained in the conference agreement would increase the funding for EPA's Office of Research and Development [ORD] by $10 million over fiscal year 1991, to a total of $323 million. While I ordinarily would be supportive of this increase, I must take issue with what this increase represents.

Contained in the EPA ORD funding agreement are nearly $28 million in earmarks. In addition, there are nearly $18 million in directed cuts to existing programs, such as the Environmental Monitoring and Assessment Program. Together, these actions reduce the real funding available for the base programs at ORD. This action begins to compromise the integrity of these programs and reduces the effectiveness of our efforts to move toward a rational, scientifically based regulatory approach. I will be paying close attention to this type of activity and will have more to say about it at a future date.

I must also note that major reductions have been made to the salaries and expenses account at EPA. Almost $50 million has been cut from this account, at a time when EPA is experiencing shortages in a number of scientific skills. EPA cannot recruit and retain skilled toxicologists and other scientists needed for sound regulatory decisions, and this cut will serve to worsen the situation. In addition, EPA's enforcement capability will suffer as well as a number of other vital functions.

Mr. Speaker, this conference report is representative of the problems which we face in Congress today. Inadequate funding available means difficult choices have to be made. The full committee and the subcommittee have made those choices and I appreciate their difficult situation. I hope to work with them to change the ground rules under which they work, terms which were set out in the current budget agreement. I hope to help my friends on the VA, HUD, and Independent Agencies Subcommittee remove the walls between civilian and defense program funding so that these vital programs can be fully funded.

But my colleagues on the committee must also respect my position on the need for prior authorizations, the need to work cooperatively with the committee when our statutory language is a problem, and the need to curb the proliferation of location-specific research projects. I do not want to get into a confrontation with the committee over these issues, but I will not simply sit back and let these actions continue without challenge.

Mr. Speaker, our Founding Fathers envisioned for the Congress one very important power that underlies our entire system of Government—the power to appropriate funds. I cannot help but see this conference report as a sad exercise in the abuse of that power.

My comments today are not made out of anger but sorrow. I will vote for this conference report because it is important to the future of our space program, the National Science Foundation, and environmental research. Yet I sincerely hope that we can find a way to curb this unwarranted appetite for personal projects that has become such a burden.

EARMARKS IN H.R. 2519

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

$950,000 for a reusable capsule landing site in New Mexico.

$28,400,000 for the consortium for International Earth Science Network in Michigan.

$22,500,000 for the National Technology Transfer Center in West Virginia.

$2,000,000 for AdaNet Project in West Virginia.

$7,500,000 for Wheeling Jesuit College in West Virginia.

$750,000 for Delta College learning center in Michigan.

$20,000,000 for the Christopher Columbus Center for Marine Research in Maryland.

$10,000,000 for the West Virginia University Software verification Center.

$10,000,000 for an upgrade of the Poker Flats Alaska Research Range.

ENVIRONMENTAL PROTECTION AGENCY

$3,200,000 for the Center for Environmental Management at Tufts University.

$3,100,000 for the Neural Science Research Equipment for the New York University Center.

$1,000,000 for the Center for Excellence in Polymer Research.

$800,000 for the Adirondack Destruction Assessment Program.

$1,300,000 for a recycling project at Western Michigan University.

$2,000,000 for the Great Lakes National Program office.

$2,000,000 for the Southwest Environmental Research Policy Center.

$90,000 Pollution Abatement Demonstration Program, Hamburg, NY.

$116,000 for the Wetlands Research Project at the University of Nebraska.

□ 1140

Mr. GREEN of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COUGHLIN], a distinguished member of the subcommittee.

Mr. COUGHLIN. Mr. Speaker, I rise in strong support of the conference report covering the fiscal year 1992 appropriations for the Department of Veterans Affairs, the Department of Housing and Urban Development, and independent agencies—including EPA, NASA, and the NSF.

The pace of the conference committee meeting should not lead anyone to question the difficult hours of work which went into crafting the conference report we bring to the House today. As a conferee, I can attest to the conflicting pressures which were placed on the conferees and take this opportunity to thank personally my chairman, Mr. TRAXLER, and my Republican chairman, Mr. GREEN, for their efforts. Our dedicated subcommittee staff also deserves the appreciation of the House for their untiring work.

I will only take a few minutes to discuss several items in the conference report which the House should adopt today.

The conference report maintains the overall appropriations level passed by the House, $80.9 billion. Hundreds of differences between the House- and Senate-passed legislation had to be resolved and the differences were settled. But many hard choices were made.

For example, space station Freedom is fully funded at the administration's requested fiscal year 1992 level of $2.03 billion which represents an increase over the House appropriation recommendation of $1.9 billion. In order to fund fully the station, however, other programs in NASA which are vital to the future of our Nation's future space presence did not fare as well. This remains an issue of great concern to me and I cannot be optimistic at this time that space science activities will have more success next year in competing for scarce taxpayer dollars.

The conference committee, despite the criticism of some, also succeeded in providing an increase in the House-passed appropriations for the Environmental Protection Agency. The report recommends a funding level for EPA in fiscal year 1992 of more than $6.6 billion—$600 million over last year's appropriation and $400 million over the President's request. It is clearly impossible to spend all that people would like on environmental initiatives, but the House can be proud of the funds we are recommending on the environment throughout the entire bill.

Several key community development and housing programs are also funded in this legislation as my colleagues know. I particularly want to point to the $3.4 billion recommended for community planning and development grants which assist our districts, as well as the $1.5 billion for the HOME Investment Partnerships Program. My office received hundreds of letters urging funds in this range for these programs and I am pleased we succeeded in addressing these needs.

There unfortunately were activities we could not support at levels I would have preferred as I mentioned earlier. I particularly regret we could not recommend more for HOPE grants in fiscal year 1992. HOPE represents a tre-

mendous opportunity for thousands of low-income families to become homeowners. Innovative activities which enable low-income individuals who desire to move out of public housing should be fostered and my support for Federal funding in this area is steadfast. I would also encourage my colleagues on the authorizing side to work as expeditiously as possible to extend programs like HOPE, HOME, and to review other housing initiatives given the funding crunch which inevitably will confront our subcommittee next year.

The conference report we discuss today is the byproduct of months of work by the administration, the House, and the Senate. I commend all the participants in the process and urge the House to adopt the report crafted by our conference committee.

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

Mr. COUGHLIN. I am happy to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, I appreciate the gentleman's remarks. He is totally correct.

I hope every authorizing chairman is listening to what he says, because we are not going to have enough money. The problem is that each one of the authorizing chairmen thinks that their area of concern is the only one in the entire U.S. budget, and that is not true.

We have to balance the equities, and I think we do it superbly, and I thank the gentleman.

Mr. COUGHLIN. Mr. Speaker, I particularly want to cite two areas where we need guidance in this committee, in the area of the whole space program. We are talking about wholly funding the space station, but at the expense of other very critical scientific programs that we are cutting in this appropriation that we had to because of the vote in the House, take the money from some other place, and we are going to have to have guidance next year as to what we are going to do with these very critical scientific programs which we would like to have funded but which we could not fund because we are fully funding the space station.

Let me also cite the area of the housing programs. We have so many housing programs authorized that for the appropriators it is almost like standing on the top of the stairs and throwing money down the steps. We have all of these authorized programs. There is no attempt to rationalize between the programs. There is no attempt to try and set priorities as to what authorized programs we should be funding.

We are going to face that same problem next year that we face this year in terms of what programs we fund in the housing area.

So I ask my colleagues on the authorizing side to look at these programs, to look at us as we face this problem next year.

I commend the chairman and the Republican Chairman for what they have done.

Mr. TRAXLER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, if the chairman of the subcommittee would allow it, I would like to engage in a colloquy with him.

I would like to clarify a provision in the conference report on the location of a waste disposal site related to the Boston Harbor. As you know, this provision makes it clear that construction of an alternative site for such disposal would be permissible provided it was approved under the appropriate NEPA review process before September 1, 1992.

While I would not ask that the NEPA review process be violated in any way, I do think it would make sense for any review performed under this provision to be conducted as rapidly as would be practicable.

Is it your understanding, Mr. Speaker, that in the event the Governor of Massachusetts locates an alternative site for the landfill or backup landfill, the EPA and other relevant agencies will act promptly in performing the NEPA review so as to minimize the possibility that the September 1, 1992, deadline will be missed?

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

Mr. FRANK of Massachusetts. I am happy to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, yes, that is my understanding.

Mr. GREEN of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, let me say at the outset that there are a number of, I think, very good things in this bill.

I think on the front of the space station, the committee has done what the House asked them to do. I think that is a very positive development.

I think that in the area of Veterans' Administration funding that there is really an attempt to move in the right direction there, and that is certainly something that this Member is very thankful for. I am concerned, however, with some of the language that we have heard on the floor suggesting that there was no room in this budget to do other kinds of priority things, that we had to cut important science efforts, as an example, because we simply did not have budgetary room to do them.

I would suggest that maybe budgetary room could have been found by not funding what I would regard as lower priority projects. For example, there are some areas in this appropriation where the authorizing committees have specifically turned down the money, and yet the appropriators have gone ahead and funded the programs.

There are other areas where the money is specifically items that seemed to have more merit based upon where they are than what they do, and I have a list just in the science area. I did not bother to go into the other areas, because this is the area that I look at. I have a list of $137 million of spending that appears to be in the bill largely because of where it is, and that concerns me, because the national aerospace plane, for example, gets only $5 million of funding in this bill instead of the $70 million that it needed.

If there are $137 million of lower priority projects, I would suggest that maybe the national aerospace plane might have had a higher priority than some of the things that are on the list. You know, for instance, as I go down through it, I find $6 million to construct, equip, and integrate a classroom of the future in West Virginia. You know, the winner is West Virginia. I look down and find another $1.5 million for the same facility in another account. Guess where; in West Virginia. I find $750,000 for planning and design activities at Delta College Learning Center in Michigan. The winner is Michigan. I find $25 million for the consortium of the International Earth Science Network. Again, the winner is Michigan. And then in another account there is another $3.4 million. The winner is Michigan; $9 million for a commercial programs account earmarked for the National Technology Transfer Center, and the winner is West Virginia; $13.5 million to construct, equip, and integrate facilities related to the National Technology Transfer Center. The winner? West Virginia $2 million for AdaNET. The winner? West Virginia. Twenty million dollars for the construction of the Christopher Columbus Center of Marine Research and Exploration, in Baltimore.

This is money coming out of the NASA budget despite the fact that the authorizors specifically turned it down in the NOAA budget last year, and now we are going to create a center for marine research and exploration in NASA accounts. The only thing I can figure is that they call it the Christopher Columbus Center, and maybe we are going to raise the Santa Maria that some guy found the other day and fly it. But I cannot understand why we have to have $20 million in construction money for this center put in the NASA budget.

And $10 million for construction and equipping and integrating an independent software validation and verification project, and the winner is West Virginia; $10 million for the Poker Flat Research Range. The winner? Alaska and $1 million, or $950,000, for a reusable capsule landing site in New Mexico. I do not even know what that does,

and it is very, very strange. For rural enterprises, $625,000. The winner? Oklahoma. And then we get to a series of projects that have not been contained in either the House or the Senate authorizing bills. Now, remember we could not do the national aerospace plane, remember this, we cannot do the advance work on national aerospace plane, but here is one we can do: The advanced liquid dispensing technology evaluation. What is that? That sounds wonderful. That is to supply either Coke or Pepsi to the shuttle and to the space station. We cannot do the national aerospace plane, but we are going to spend taxpayer money to figure out how to put Coke and Pepsi in the shuttle and in the space station.

There is something strange in our set of priorities there; $5 million for a reflight of the Astro 2 mission. This is not a bad idea, but the fact is that it has a Maryland connection to it, which seems to be the main reason why it is there.

□ 1150

There is $20 million for the tropical rainful measuring mission. Again, the winner, Maryland.

There is $4 million for the applied research and climate modeling. It is probably going to yield some pretty good science. Is it the highest priority science? We do not know, but the fact is that it is another Maryland project.

All I am suggesting is that if you are really going to do priorities, some of the priorities here are not exactly what most people would have picked.

Mr. TRAXLER. Mr. Speaker, I yield ½ minute to the distinguished gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise in support of the conference report on H.R. 2519, the Departments of Veterans Affairs and Housing and Urban Affairs, and independent agencies appropriations bill for fiscal year 1992.

The bill provides $63.942 billion in discretionary budget authority and $61.711 billion in discretionary outlays. I am pleased to note that the bill is $11 million below the level of discretionary budget authority and $3 million below the discretionary outlays as compared to the 602(b) spending subdivision for this subcommittee.

As chairman of the Budget Committee, I plan to inform the House of the status of all spending legislation, and will be issuing a "Dear Colleague" on how each appropriation measure compares to the 602(b) subdivisions.

I look forward to working with the Appropriations Committee on its other bills.

Mr. Speaker, I include the following material:

COMMITTEE ON THE BUDGET,
Washington, DC, October 1, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on the conference report to accompany H.R. 2519, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill for Fiscal Year 1992. This bill could be considered this week.

This is the fourth regular Fiscal Year 1992 appropriations bill conference report to be considered. The bill is below the 602(b) subdivision.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Factsheet]

CONFERENCE REPORT TO ACCOMPANY

H.R. 2519, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102–226)

The House Appropriations Committee filed the conference report for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations bill for Fiscal Year 1992 on Friday, September 27, 1991. This conference report could be considered at any time.

COMPARISON TO THE 302(b) SUBDIVISION

The conference report provides $63.942 million of discretionary budget authority, $11 million less than the Appropriations subdivision for this subcommittee. The bill is $3 million under the subdivision total for estimated discretionary outlays:[1] A comparison of the bill with the funding subdivisions follows:

COMPARISON TO SPENDING ALLOCATIONS

[In millions of dollars]

	VA/HUD and independent agencies appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+)/under(−) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	63,942	61,711	63,953	61,714	−11	−3
Mandatory[1]	17,279	21,251	17,279	21,251		
Total	81,221	82,962	81,232	82,965	−11	−3

[1] Conforms to the Budget Resolution estimates for existing law.
Note.—BA—New Budget Authority; O—Estimated Outlays.

The House Appropriations Committee reported the Committee's subdivision of budget authority and outlays in House Report 102–180. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in House Report 102–69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

The following are the major program highlights for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations conference report for FY 1992, as reported:

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget authority	New outlays
Housing and Urban Development:		
HUD salary and expenses (S&E)	438	354
HOPE grants	361	
HOME Investment Partnerships Program	1,500	30

PROGRAM HIGHLIGHTS—Continued

[In millions of dollars]

	Budget authority	New outlays
Assisted housing (excludes $167 million rescission)	7,845	46
Renewal of expiring section 8 contracts	7,355	515
Public housing operating subsidies	2,450	996
Community development block grants	3,400	136
Drug elimination grants for low-income housing	165	1
Emergency shelter grants (homeless)	73	11
Transitional housing (homeless)	150	
Supplemental assistance for facilities (homeless)	11	2
Section 8 SRO MOD-rehabilitation (homeless)	105	
Shelter plus care SRO	73	
Shelter plus care section 202	37	
Federal Housing Administration Insurance Program		(60,000)
Federal Housing Administration General and Special Risk Program		(8,652)
Government National Mortgage Association Loan Program		(74,769)
Environmental Protection Agency:		
EPA research and development	323	113
EPA sewer construction grants	2,400	84
EPA S&E		1,041

PROGRAM HIGHLIGHTS—Continued

[In millions of dollars]

	Budget authority	New outlays
895:		
EPA abatement, control, compliance	1,134	453
Hazardous substance response trust fund (Superfund)	1,616	242
Leaking underground storage tank trust fund	75	19
NASA:		
NASA space flight	5,124	3,548
NASA R&D	6,414	3,377
NASA research and program management	2,242	1,941
Construction of facilities	525	53
Veterans' Administration:		
Veterans' Administration compensation and pensions and burial benefits (mandatory)	15,842	14,511
Veterans medical care	13,513	11,367
Veterans readjustment benefits (mandatory)	635	635
Veterans general operating expenses	863	759
Veterans medical and prosthetic research	227	166
Veterans construction, major projects	414	19
Veterans construction, minor projects	191	79
Veterans Loan Guaranty Program	215	162

[1] The outlay estimate on this page and the budget authority figures on the next page assume that language relating to transfers and reimbursements for NASA space flight is altered to clarify that it is a limitation on, rather than expansion of, any such authority.

PROGRAM HIGHLIGHTS—Continued

[In millions of dollars]

	Budget authority	New outlays
Veterans Guaranty and Indemnity Program	407	145
National Science Foundation (NSF) and other activities	2,578	1,056
FEMA (salary & expense and planning), including defense	449	305
FEMA disaster relief	184	74
Emergency food and shelter (FEMA)	134	129
Commission on National and Community Service	75	13

Mr. GREEN of New York. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. GILLMOR].

Mr. GILLMOR. Mr. Speaker, I rise in support of this conference report. I would like to thank the chairman, the ranking Republican member and members of the subcommittee for bringing us this excellent compromise.

This conference report addresses many of the important needs of this country such as veterans care, environmental protection, cleaner air, emergency assistance for disasters such as earthquakes and floods and funds to develop our future in space.

This bill guarantees housing programs, not only for the poor, elderly, and homeless, but also provides for programs to develop our neighborhoods and cities which are in dire need of our assistance. The committee was particularly sensitive to the needs of my communities and I appreciate their generous support.

They provide $900,000 for facility development in Seneca County of which $700,000 is for library and classroom development at Tiffin University and $200,000 is for library development at Heidelberg College. Also $100,000 will be made available to develop an Old Fort Community Center.

Mr. GREEN of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I just rise to say that I am very perplexed by this particular bill. In some ways it is very good. I think we have made real progress. In some ways there were some decent things done with the space station. There is some modest progress made in terms of housing reform, but it is my understanding, and I am prepared to be corrected if I am wrong here, that in this bill in its current form, Secretary Kemp's ability to hire people who are directly responsible to him and who he is able to use in the legislative shop and elsewhere drops from 28 people to 15.

Now, I just want to say this is a Department which I believe has something like 17,000 employees. If you want to see how the Congress emasculates President Bush and emasculates his Cabinet officers and their ability to get things done, there is something terribly petty about the Appropriations Committee reducing the number of employees that a Secretary of a Department the size of Housing and Urban Development can hire who are able to help him run the Department. If you want to guarantee that the bureaucrats dominate everything, and if you want to guarantee that the bureaucrats worry more about congressional subcommittees than they do about the President and the President's Cabinet officers, this is precisely that kind of extraordinarily petty behavior.

Frankly, my advice to the President would be to set up a system either to veto bills like this and protect his Cabinet officers, or to tell the Congress that next year when the legislative appropriations bill comes up that he is going to veto the legislative appropriations bill, because if Congress is going to micromanage the ability of Cabinet officers to hire personnel to help them manage the Department, then maybe the President ought to start micromanaging the ability of congressional chairmen to manage their committees.

Now, it is a total lack of comity and a total lack of reasonableness to engage in this kind of personnel procedure.

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

Mr. GINGRICH. I am glad to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, as a general principle, I agree with the gentleman's statements, but let me say in connection with HUD, it is not our intention that we would interfere with the operation of HUD. As I said, the Secretary is a dear friend of the subcommittee, and mine personally; however, he has about 26 senior executive service noncareer personnel. Percentagewise, most other agencies have less than half of what HUD has. We are limiting him to 15, which I realize is a reduction, but it puts him at twice what other agencies have.

Mr. GINGRICH. Mr. Speaker, if the gentleman will permit me for just a second, how many staff would the gentleman guess the Committee on Energy and Commerce has? It is over 100.

Mr. TRAXLER. Well, the congressional staffing has stayed quite constant for about 10 years now, in all honesty, I say to the gentleman.

Mr. GINGRICH. But if you assign someone of Jack Kemp's caliber and you ask him to take over a Department that has a huge scandal, go into the inner cities and help poor people, rethink the bureaucracy, restructure everything, it would seem to me that 28 people for the whole country to help the Secretary of HUD does not sound to most Americans like it is a gigantic surplus of human beings.

Mr. TRAXLER. Well, of course, the gentleman knows these are patronage positions. They are not dedicated career positions.

Mr. GREEN of New York. Mr. Speaker, I yield the balance of our time to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, this past Thursday, a terrible thing happened: The conferees who prepared the report we are now considering, decided to drastically cut NASA's portion of the funding for the National Aerospace Plane Program [NASP], was cut from the amount this body had appropriated, $95 million, to $5 million.

Mr. Speaker, this conference attempt to kill NASP is absolutely indefensible. It is a blow to the future of our aerospace industry and to America's future competitiveness worldwide.

Mr. Speaker, the NASP program has already developed several revolutionary new technologies. Isn't the development of new technologies one of NASA's major missions? The NASP program is leading to major new methods of air breathing transportation and to inexpensive access to space. Is not doing this also part of NASA's charter? Are not these missions the very things that we have been complaining that NASA does not seem to do?

Mr. Speaker, I submit that by reducing NASA's participation in the NASP program this conference is contributing to the agencywide hardening of the arteries so evident in NASA.

Furthermore, Mr. Speaker, the reduction in the NASP budget for NASA contained in this conference report is a decision to give up our lead in hypersonic technology.

Right now, Mr. Speaker, the United States is 5 years ahead of any other nation in this area. Have we now decided to simply give the lead away to the Japanese or to the Europeans?

Mr. Speaker, I will not be voting "aye" for this conference report. I realize that this will in no way affect the passage of this legislation. Nevertheless, given what has been done to the NASP program by this report, I cannot in good conscience support this bill.

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Mr. TRAXLER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I rise in strong support of this legislation, commend the chairman and the ranking member for their hard work on it.

Mr. Speaker, I am particularly pleased about the funds for AIDS housing, HOME initiative, and the work that they did on the prepayment issue.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. TRAXLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Speaker, in the short time I have available I would like to first thank the chairman of the subcommittee, the gentleman from Michigan [Mr. TRAXLER] for his patience and his wisdom and his accessibility. We know that he is pushed, pulled, and

tugged in all directions. The fact that he is so quick to listen is very, very important to all of us.

Mr. Speaker, in the short time I have remaining, I would like to draw attention to two areas of this conference report for my State and for our Nation.

Mr. Speaker, for Mississippi, the conferees included some money to fund a perinatal center to make sure that we can reduce the high level of infant mortality in an area of the Nation where 22 babies out of every 1,000 will not live to blow out the candle on their very first birthday cake.

This is very important. It is a small amount of money, but the impact on young lives will be huge.

Mr. Speaker, for our Nation, the conference report includes funding for HOPE I, home ownership for people everywhere, a Jack Kemp-inspired program to allow people, residents of public housing, to purchase their own homes.

Again it is a relatively small amount of money, but it is a new attitude toward people of public housing who want to move from dependence into independence.

I thank the gentleman for his accessibility and his willingness, and urge my colleagues to support the conference report.

Mr. TRAXLER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. PRICE], a member of the full committee and a good friend of the subcommittee.

Mr. PRICE. Mr. Speaker, I rise today in support of this legislation. I want to compliment the chairman of this committee, BOB TRAXLER, Mr. GREEN, and the other members of the subcommittee, for once again bringing before us a bill which will help support efforts to house our Nation's citizens, deal effectively with environmental hazards, maintain our Nation's leadership in science, and provide for the veterans that have served so valiantly in armed services. I want to briefly highlight a few key items.

I am particularly pleased that $5 million is provided in this bill to begin design work on a new consolidated facility for the Environmental Protection Agency in North Carolina's Research Triangle Park. Chairman TRAXLER recently visited this facility, taking time to discuss its operations and its needs thoroughly. It was clear from that visit that a new facility is badly needed, since current facilities are overcrowded, inadequate, and in need of repair. A new building will greatly enhance the productivity, efficiency, and effectiveness of EPA research operations.

I also commend the subcommittee for taking a strong stand for EPA's role in conducting global warming and stratospheric ozone depletion mitigation research. Under the bill, EPA is directed to develop a strong research effort to evaluate and demonstrate replacements for ozone depleting compounds, develop and demonstrate biomass utilization technologies, characterize sources that contribute to upper level tropospheric ozone, and develop emission reduction approaches to those pollutants. The research is vital to our Nation's efforts to combat global warming.

In the housing area, I compliment the conferees for providing $1.5 billion for the new HOME Program. Using these funds, local communities can use these resources to develop affordable housing initiatives. These funds will allow cities to more fully utilize a financing technique called soft second mortgages which will greatly expand homeownership opportunities in this country by lowering interest costs and monthly payments for first-time home buyers.

In closing, I want to commend Chairman TRAXLER for his leadership. Facing tough budgetary constraints, he has crafted a bill which does justice to all these vital areas. I urge my colleagues to support this bill.

Mr. TRAXLER. Mr. Speaker, I yield the remaining time, 2 minutes, to the gentleman from New York [Mr. SCHUMER], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. SCHUMER. Mr. Speaker, I thank the chairman not only for yielding the time to me but for his leadership on this issue. Mr. Speaker, both he and the gentleman from New York [Mr. GREEN], I think, have done a superb job, a very tough job of allocating scarce dollars among many important needs.

I would like to focus on one, the Family Unification Program which is in the bill. Mr. Speaker, throughout the cities of this country, when families, intact families, cannot find housing, the courts often order the children into foster care. Here we are in America where we have great problems; we do not have family structure in large parts of our cities and yet when we do there is no housing available and away go the families because of the lack of housing. Courts order these kids into foster care.

The Family Unification Program sets up a priority category so that families that find themselves caught in this bind will receive section 8 certificates so that they can afford an apartment and keep their children. This program keeps and focuses on the most vital resource we have, families, and prevents them from being torn apart simply because we cannot find housing for them.

The conference report also provides a level of funding for the HOME Program, which I think is very, very important. It was authorized by the landmark Cranston-Gonzalez Affordable Housing Act. I want to salute the committee for doing a good job in that area.

Finally, there has been some talk about Secretary Kemp being disappointed about the level of funding for the HOPE Program. The HOPE Program deserves a chance, but I think it has to take a back seat to the HOME Program, which is the meat and potatoes of housing rather than the dressing.

I suggest that HOPE did not suffer because HOME was funded, it suffered because the space station was funded. We felt we should fund the space station. But it also was funded because HOME builds new housing whereas HOPE simply changes the allocation of housing.

That is why HOME took priority.

Mr. Speaker, in conclusion, the committee has done a superb job under very difficult circumstances. Mr. Speaker, I urge support of the bill.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report on H.R. 2519 and specifically for the $25 million included in the bill for construction of new veterans health care facilities in Martinez, CA. I also want to commend my colleague, Congressman BOB TRAXLER, for the outstanding job he has done in crafting this bill. As chairman of the House Appropriations Subcommittee on VA, HUD and Independent Agencies, Chairman TRAXLER has been instrumental in guaranteeing that our Nation's veterans, our Nation's housing programs, and our Nation's environmental programs receive the support they need.

Of particular interest to my constituents is the urgency with which the committee has addressed the imminent closure of the VA medical center in Martinez, CA. The Veterans Administration announced in early August that it would close the hospital because the facilities do not meet seismic safety standards. At the same time, the VA also announced that it would build a new hospital to replace the existing Martinez facility as well as construct new outpatient and nursing home care facilities in Martinez and the Sacramento area.

In the wake of this announcement, many veterans in northern California voiced their concerns that these decisions were being made at their expense. However, the conference committee included $25 million in this bill for design, planning, and construction of the new Martinez facilities. This funding is a very important step in demonstrating to northern California veterans that Congress, for one, is serious about ensuring that their health care services are not only maintained at current levels, but actually expanded and improved in the future.

Mr. Speaker, this appropriations bill is a balanced and responsible bill. I want to commend and thank Chairman TRAXLER and the subcommittee staff for their diligence, and particularly for their assistance in addressing the issues surrounding the closure of the VA hospital in Martinez.

Ms. MOLINARI. Mr. Speaker, I rise in support of this conference report. I would like to thank the chairman and the ranking Republican members for bringing us this compromise legislation.

This bill is the largest domestic appropriations bill Congress will consider. Despite lim-

ited resources, the bill's far-reaching legislation addresses many of our Nation's greatest challenges. Caring for our veterans, housing our homeless, and protecting our environment are not easily balanced concerns. Yet, the conferees have done a fine job of establishing a balance among all these important needs.

I especially appreciate the conferees understanding of the special needs of the communities in my district.

In the conference report $250,000 is provided for senior nutrition in the Bay Ridge Community of Brooklyn, NY. We have some wonderful organizations active in Bay Ridge providing essential services to our frail and elderly. The St. John's Nutrition Program and the Bay Ridge Association of Senior Citizens each provide over 500 meals a day both within their centers and on location. Recent budgets at the city and State level have caused dramatic and visible difficulties for these essential programs.

Staten Island University Hospital affords similar senior nutrition programs to senior citizens in Staten Island, NY. The $250,000 will enable the hospital to continue to provide this service.

This legislation also allocates $250,000 for crime prevention programs in Bay Ridge. The 68th and the 62d precincts in New York have wonderful records in working with the community, particularly our senior population. Project Safe, initiated by the 68th precinct has provided free lock checks and lock changes for seniors. They also teach safety and awareness to our seniors. The program was working wonderfully until Project Safe ran out of money. I am hopeful that with this award the 68th and 62d precincts can reinstitute Project Safe programs which will provide an essential service in the face of a recent rash of breakins and muggings against our senior population. These funds for anticrime campaigns along with the $250,000 for crime prevention programs on Staten Island will go a long way to secure the safety for citizens in the communities.

Mr. COLEMAN of Missouri. Mr. Speaker, I am pleased that the House and Senate conferees included language directing the Environmental Protection Agency to provide $7.3 million for the transportation and storage of materials in Byers warehouse in St. Joseph, MO.

Since 1986, EPA has allowed banned dioxin-contaminated chemicals—670,000 pounds of solid and 260,000 gallons of liquid 2,4,5-T/Silvex—to remain in a warehouse located in downtown St. Joseph, MO. My reasons for concern about this issue are obvious; the warehouse is located in downtown St. Joseph—a city with a population of 80,000 that is situated alongside the Missouri River.

I shared my concerns with the House Appropriations Subcommittee, and asked that, in view of the significant health implications to my constituents and the amount of time that has passed with no solutions forthcoming, the committee ensure that EPA has the resources to address this problem as a priority in its fiscal year 1992 budget.

Let me again thank the House and Senate conferees for recognizing the importance of this situation, and for giving EPA the means and the direction to properly resolve this issue.

Mr. STOKES. Mr. Speaker, I rise in strong support of the conference report on H.R. 2519, the VA–HUD and Independent Agencies appropriations for fiscal year 1992. I want to commend my colleague and chair of the subcommittee on which I serve, Congressman BOB TRAXLER, for the outstanding leadership he demonstrated in moving this bill through the Congress. I want to also acknowledge Congressman BILL GREEN, the ranking minority, whose support was crucial in the passage of this bill.

Mr. Speaker, the VA–HUD and independent agencies appropriations bill provides funding for some very vital programs and services that benefit our Nation. This bill finances not only people-oriented initiatives, but it supports the basic technological and research efforts that advance America's competitiveness.

The task for providing adequate resources to all of these important programs was very difficult this year. This was due to the lower than anticipated level of funding allocated for the VA–HUD appropriations. Nonetheless, we overcame these constraints and supported programs that all of the varying sectors of the public urged us to support.

Mr. Speaker, H.R. 2519 funds housing programs for the poor, elderly, and homeless. It also includes considerable resources to initiate the new housing programs established in the National Affordable Housing Act. This bill continues to provide funds for community development in our cities, which nationwide are in dire need of our support.

Programs for our veterans and their families—from those that furnish their medical care to those that provide them with housing loans and educational assistance—are included in H.R. 2519. In addition, NASA and the National Science Foundation—the two agencies whose strategies and programs are the backbone for math and science in this Nation—are addressed in this bill.

Moreover, funds to support efforts to clean up our environment, including lead-based paint abatement; pollution prevention and control; and research to develop new technologies to address these environmental concerns. Our Nation's disaster relief projects are also funded through this measure.

Mr. Speaker, I am pleased to note that several initiatives that I formulated are included in H.R. 2519. There is the grant program to States for the abatement of lead-based paint and dust in privately owned low- and moderate-income housing. Knowing the threat that lead-based paint poses to our Nation, this effort is essential to our eliminating the dangers our citizens face.

H.R. 2519 also includes funding for the National Science Foundation to support a minority summer science program, designed to increase minority participation and representation in the science field through summer science camps. I am also pleased that funding that benefits research and development at some of our Nations minority institutions was provided.

Efforts I have supported to increase minority participation in government contracting is also furthered with the inclusion of language directing the EPA to establish a contractor mentor/protege program for socially and economically disadvantaged businesses. Language requiring that the Resolution Trust Corporation award at least 10 percent of its prime and subcontracts to minority and women-owned businesses was also incorporated.

I am most gratified by the support given to some special projects back in my district in Ohio that provide essential services to Cleveland citizens and the community-at-large. These funds will support community development and various youth activities.

Mr. Speaker, knowing the difficulties encountered since H.R. 2519 was first brought to the floor in June and since it was marked up in the Senate makes this conference report that much more remarkable. The extreme differences about the space station and housing have been fairly and properly dealt with. This bill addresses the concerns of everyone and thus, it deserves our support.

Again, I commend Chairman TRAXLER and my colleagues on the subcommittee for their fine work on this bill, and urge my colleagues to support H.R. 2519.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the conference report on H.R. 2519, the VA–HUD appropriations bill for fiscal year 1992. I would like to express my thanks to Chairman TRAXLER and ranking member GREEN for their hard work in putting together a reasonable and balanced bill. I would also like to thank the subcommittee members and staff for their willing assistance in addressing issues of concern to the city of San Francisco and to the low-income housing community as I raised them.

I am particularly pleased that the conferees included $4 million for a new housing and detoxification center for homeless people in San Francisco. This program is an important part of Mayor Agnos' comprehensive plan to address homelessness in the city. Its inclusion in this bill is a testimony the mayor's commitment and creativity in addressing homelessness. He personally worked with Chairman TRAXLER and Chairman MIKULSKI on the senate side to convince them of the local utility and national significance of this program.

I am also pleased that the bill appropriates $50 million for the new AIDS Housing Opportunities Program, of which San Francisco will receive approximately $4.1 million. This program, developed by representatives MCDERMOTT, SCHUMER, and me, will help in the provision of needed housing and services to communities and individuals struggling to address the AIDS epidemic. The funds can be used for a variety of programs, including homeless prevention, rehabilitation, and construction of facilities for people with AIDS and HIV infection, and services The use of the funds will be determined at the local level, ensuring that they will have the maximum impact in communities that are particularly hard hit by the epidemic.

The bay area still has unmet housing needs from the Loma Prieta earthquake. The report contains language urging the Secretary of the Department of Housing and Urban Development to release $25 million in discretionary funding for additional earthquake-related rehabilitation and replacement of low-income housing. I hope that the Secretary will follow the committee's direction.

And, the conference report provides $2 million for the San Francisco estuary project. This

money will be instrumental in developing a final plan to address issues like dredging and fresh water diversion to protect the vitality and beauty of San Francisco Bay.

I am pleased that the conferees were able to provide significant levels of funding for a number of high priority national programs which will benefit local communities and low-income individuals, including $1.5 billion for the Home Investment Partnership Program, which will play a significant role in facilitating the development of local affordable housing initiatives. Waiving all State and local matching requirements will help local communities meet serious housing needs.

The bill also provides a total of $10.1 billion for assisted housing programs for low-income families, including $618 million for the preservation of properties threatened by prepayment and the provision of section 8 assistance to tenants displaced from buildings which opt-out of participating in low-income programs.

I am also pleased that this conference report contains $3.4 billion for the community development block grant [CDBG] program, $200 million more than last year, and $480 million, 16 percent, more than the administration's request. CDBG funds play a vital role in meeting local community needs. This increase in funding comes at a critical time of revenue shortfalls for many local communities and will ensure that some vital services are not cut.

While I am grateful that the committee provided 15-year project-based property disposition subsidies in this bill, I am concerned that the limited number of 953 such subsidies may result in hardship for some communities. I hope that HUD will be willing to work with us to identify additional funding for this need.

Again, I would like to commend Chairman TRAXLER and ranking member GREEN for their success in developing a funding bill for fiscal year 1992 which will provide assistance to many people in this country who are struggling to meet their basic needs. I urge my colleagues to support this conference report.

Mr. ATKINS. Mr. Speaker, I rise in strong support of this important legislation which will move us forward in the area of veterans medical care and assisted housing for our most vulnerable segments of the population. I would also like to express my personal thanks to Chairman BOB TRAXLER and the ranking minority member BILL GREEN who worked together in a bipartisan manner to bring the best bill possible to the floor under severe fiscal constraints. I don't think anyone in this body can fully appreciate the difficult decisions that had to be made by Mr. TRAXLER and Mr. GREEN concerning the urgent and diverse needs that our subcommittee faced. With last year's budget agreement restricting domestic discretionary spending and the goal of our subcommittee to fund agencies so that they deliver the services that the American people expect and deserve, this year's conference was very difficult. With the leadership of Chairman TRAXLER and Mr. GREEN the difficult was made possible.

One particular allocation in this bill that I am most proud of is the $50 million in the HUD budget to remove lead paint in federally assisted housing. Fifteen years ago, we learned about the tragedy of lead poisoning through our television set. Who could forget the ad showing a young girl eating paint chips from her tenement apartment window sill? However, recent studies have shown that most lead poisoning comes not from eating paint chips, but from dust that drifts in the air from cracked and peeling paint. Toxic lead exists not only in housing projects, as the television ad implied, but in homes everywhere.

A recent report from the Centers for Disease Control estimates that over 3 million children have unacceptably high levels of lead toxin in their bloodstream. Today, thousands upon thousands of children suffer from serious developmental disabilities and many are afflicted with severe physical ailments.

Children under age 6 are particularly susceptible to lead poisoning as their brains are in a critical stage of development. Symptoms of lead poisoning may include hyperactivity, reduced attention span, and hearing loss. In some cases, permanent brain damage may occur and even death.

Like asbestos removal several years ago, many companies that test, remove, or encapsulate lead paint do not have the expertise to safely alleviate the problem. Often, lead paint removal by disreputable or incompetent firms creates an even more hazardous situation by spewing harmful toxic dust throughout the home. But a new report by the Environmental Protection Agency includes guidelines to safely remove or encapsulate lead paint.

Today, Congress can seize on the EPA report and finally confront the lead paint issue head on. After years of delay and study, this bill sets aside $50 million in the housing budget to begin to eliminate lead paint in federally assisted housing. Contracts will only be awarded to certified lead paint removal companies meaning that the job will be done right. The legislation also creates an office for lead paint within the Department of Housing and Urban Development to coordinate testing and removal activities. The new office will ensure that an industry to safely and effectively remove dangerous lead will grow so that all households will have access to reputable abatement technology.

Lead paint has been called the No. 1 domestic health hazard in America today. Beginning today, with the passage of this legislation, the problem is being solved.

Mr. LOWERY of California. Mr. Speaker, I want to express my support for the conference report on the VA–HUD and independent agencies appropriations bill. In addition, I want to commend Chairman BOB TRAXLER and Congressman BILL GREEN, the ranking minority member, for their management of this legislation and for the fair treatment given to all Members interested in the programs covered by this bill.

As a member of the subcommittee, I participated directly in the formulation of this bill. As my colleagues know, this process was extremely difficult. The budget allocation the subcommittee received for fiscal year 1992 presented Chairman TRAXLER and the members of the subcommittee with very difficult decisions for the many important agencies funded by this appropriations bill.

This was especially true for NASA. Because of budget constraints, the chairman and the subcommittee originally proposed to terminate funding for space station *Freedom*. Chairman TRAXLER made this decision without prejudice and agreed to allow Congressman CHAPMAN and I to offer an amendment to restore the space station funding when the bill came to the full House in June. The House voted to continue the space station program and Chairman TRAXLER and BILL GREEN accepted that decision graciously and then sought to formulate the fairest bill possible in conference with the Senate. I believe they accomplished that goal. While this bill is not perfect, it does provide funding for every major veteran's program, as well as generous funding for most housing programs. While, I would prefer to have provided additional funding for Secretary Kemp's HOPE program for home ownership, the conference committee did increase funding for HOPE I from $151 to $161 million.

This legislation does provide full funding for space station *Freedom* in fiscal year 1992. This will enable the redesigned station program to make real progress over the next year. I believe the station is the key to reaching the next level in manned space exploration. It will move us beyond the fine achievements of the space shuttle program and toward more discoveries in our efforts to explore and better understand our universe and man's place in it.

I share the chairman's concern that funding for NASA programs will be even more difficult over the next few years. We must strike a workable balance between the manned program and important space science research. I look forward to working with the chairman and my colleagues to meet this challenge.

In addition, I want to thank Chairman TRAXLER for his cooperation with my efforts to provide funding for a number of important environmental programs through the Environmental Protection Agency. This bill will provide $49 million to continue development of an international sewage treatment facility on the United States-Mexico border between San Diego and Tijuana. When completed, this facility will end the flow of thousands of gallons of raw sewage now flowing from Tijuana that threaten the health of American citizens and the environment on the southern California coast. The bill before the House today will also provide funds for five coastal cities to upgrade their water and sewage treatment facilities. H.R. 2519 provides $300 million to enable New York, Boston, Seattle, Los Angeles, and San Diego to improve their sewage treatment standards as required by the Clean Water Act. The President requested these funds and the committee has cooperated in the effort to improve the water quality and sewage treatment in our cities.

Mr. Speaker, while I may not agree with every program or spending priority in the conference report, this legislation represents a solid, good-faith effort to forge a compromise that will provide funding for veterans, housing, environmental, and science programs. The bill is under the spending limits required by the 1990 deficit reduction agreement. It funds critical veterans' health programs and the President's top space exploration priority, space station *Freedom*. This bill is not perfect, but given our current spending limitations and the many contrasting priorities represented in the bill, the conference report is a solid, workable compromise.

I support passage of this legislation and urge its approval by the House.

Ms. SNOWE. Mr. Speaker, I rise in support of the conference committee report on H.R. 2519, the fiscal year 1992 HUD–VA, independent agencies appropriations bill. In particular, I want to express my thanks to Subcommittee Chairman TRAXLER and Ranking Minority Member GREEN for the fact that the conference report includes $23.5 million in funding for the National Science Foundation's [NSF] laser interferometer gravitational-wave observatory [LIGO].

The LIGO project will use the detection of gravitational waves to provide us with new and compelling information about the nature of the universe. The funding of this project represents an invaluable opportunity for the 102d Congress to demonstrate its support for the development of physics research that will ensure Americans preeminence in this area well into the 21st century.

I want my colleagues in the House to know that the LIGO project has gone through the peer review process, and has been approved. The National Science Board approved a LIGO prototype that the Brinkman Commission subsequently endorsed. This is proof positive that funding the LIGO project represents good physics research.

Once this initial funding is approved, the National Science Foundation can proceed to select two sites, from a total of 18 proposals, for the LIGO project. When the project becomes operational, the data collected will be available to use in expanding the study of physics throughout all of the United States.

In conclusion, Mr. Speaker, I want to reiterate my thanks to the subcommittee chairman, Mr. TRAXLER, and ranking minority member, Mr. GREEN, for their efforts to include funding of this valuable project in the final version of H.R. 2519.

Funding the LIGO project represents a big step forward in our efforts to ensure that the United States is at the cutting edge of physics research worldwide and I urge my colleagues in the House to join me in support of this conference report.

Mr. WAXMAN. Mr. Speaker, while I support their legislation, I want to make clear for the record my strong opposition to the provision relating to the use of DVA drug prices for purposes of calculating rebates under the Medicaid Program.

This provision will not achieve its intended objective: To protect the VA from price increases imposed by drug companies. It will increase Federal Medicaid costs—according to CBO estimates—by $40 million this fiscal year. It will increase Medicaid costs to the States by about $30 million.

The only winners will be the drug companies, who will continue to be able to raise their prices to the VA with impunity.

This bizarre result comes from a provision which directly amends the Medicaid statute, and therefore is not in the jurisdiction of the Committee on Appropriations. This blatant usurpation of the jurisdictional prerogatives of this committee violates not only the rules of the House, but also the comity between this committee and the Committee on Appropriations.

This provision also breaks an understanding with the States that the Congress reached just 1 year ago. States were told that they would be receiving rebates on all prescription drugs that they purchased through their Medicaid Program. These rebates would enable them to take advantage of the same discount then being enjoyed by DVA and private purchasers. In exchange, the States were prevented from limiting the drug they covered; instead, they were required to cover virtually all of the drugs of manufacturers that agreed to give rebates.

Under the provision being adopted today, States will continue to have to offer all drugs of participating manufacturers, but they will no longer be able to have the benefit of the deep discounts on some of those drugs available to the DVA. The result, as the National Governor's Association makes clear in the following letter, is new and significant cost increases to already hard-pressed State budgets. The NGA's case is particularly compelling since this provision does not protect even the DVA from drug company price increases.

I want to assure my colleagues that my subcommittee is monitoring the implementation of the Medicaid drug rebate provisions very carefully. The reason we have not yet acted is a simple one: We have absolutely no data from the administration on the operation of the program, which was initiated only 9 months ago. Due to lags in reporting of data, the administration tells that we will not get this information until next month.

When we have better information on how the rebate program is working and what the problems are, we will be in a position to come back to the House with an appropriate legislative remedy. At this point, we're simply unable to do that.

I very much regret the precipitous action taken in the legislation before us. Taking the discounts now enjoyed by the VA out of the Medicaid rebate formula will only make matters worse. As soon as we have enough information on which to act, I will be working with my colleagues on the subcommittee to report legislation that corrects the mistake we are making in this bill today.

OCTOBER 2, 1991.

Hon. HENRY A. WAXMAN,
Chairman, Subcommittee on Health and the Environment, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE WAXMAN: I write on behalf of the National Governors' Association to express our opposition to a provision contained in the Veterans' Administration-Department of Housing and Urban Development (VA–HUD) fiscal 1992 appropriation conference bill that will have a significant impact on state Medicaid programs. The provision would deny Medicaid access to discounts pharmaceutical companies offer to the Department of Veterans' Affairs until June 1992. The Congressional Budget Office estimates the combined federal and state Medicaid cost of the provision at $72 million.

As you know, last year Congress enacted legislation, as part of the Omnibus Budget Reconciliation Act 1990 (OBRA 1990), to give state Medicaid programs access to prescription drug discounts that pharmaceutical manufacturers offer to other federal health programs and private health programs and providers, such as hospitals and health maintenance organizations (HMOs). The projected savings ascribed to the OBRA 1990 legislation were used to offset most of the $3 billion in Medicaid expansions also enacted in OBRA 1990.

Any legislative change that diminishes the Medicaid prescription drug savings will cause both state and federal Medicaid budgets to suffer. At a time when Medicaid is the fastest growing portion of state budgets, increasing 19 percent in fiscal 1990 and more than 25 percent this year, states simply cannot assume new significant cost increases.

While the Governors agree it is equally important to enact legislation to protect the Department of Veterans' Affairs drug discounts from unjustifiable increases, the provision contained in the VA–HUD appropriations conference harms Medicaid without helping the DVA. Simply eliminating the DVA from Medicaid rebate calculations will not guarantee that the DVA will regain rebates that existed prior to the enactment of OBRA 1990.

The Governors request your assistance in stopping the enactment of this provision, and urge the Energy and Commerce Subcommittee on Health and the Environment, in concert with the Committee on Veterans' Affairs, to work with the states and the Department of Veterans' Affairs to find a solution to rising prescription drug costs that protects the interests of the DVA and Medicaid.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director.

Mr. STUMP. Mr. Speaker, as ranking minority member of the Veterans' Affairs Committee, I rise in opposition to the conference agreement on H.R. 2519, which makes appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for the independent agencies. My opposition remains essentially the same as it was when I spoke against H.R. 2519 on June 6, 1991.

Though I cannot support the conference agreement, I want it to be clear that I am in no way belittling the efforts of the leadership of the House Appropriations Subcommittee, Chairman BOB TRAXLER and Ranking Minority Member BILL GREEN. The level of appropriations for veterans programs are as much as could be expected, given the size of the subcommittee's allocation. But I believe funding for veterans programs deserves a higher priority and dollar level.

Consequently, the gentleman from New York, JERRY SOLOMON, and I have introduced House Resolution 204 to create a separate subcommittee on veterans affairs. With their own subcommittee, veterans would not have to compete with domestic programs such as housing, science, and environmental protection. Veterans programs are a cost of war and national defense, while the others are not. It is unfair for veterans to be placed in the same allocation of dollars as the space station, toxic dump cleanups and low-income housing, regardless of their merits. Veterans have literally earned their own allocation, so I invite my colleagues to cosponsor the resolution.

Part of my opposition also stems from certain provisions of the conference agreement which seriously encroach on the functions of the Veterans' Affairs Committee as an authorizing committee. We all know that appropriations bills are supposed to have corresponding authorizations, a principle that these days seems to be honored more and more in its breach, rather than in its observance.

Mr. Speaker, the conferees direct the Secretary of Veterans Affairs to submit a plan and

legislation to restructure and reclassify all but the most essential health care personnel positions from title XXXVIII to title V. The conferees adopt a Senate provision and direct establishment of a Geriatric Research and Evaluation Center at the Baltimore VA Medical Center without providing additional dollars. And the conferees direct VA to submit a proposal for a nurse education loan repayment program to aid in recruitment and retention. The House Veterans' Affairs Committee has not authorized any of these, and they clearly require authorization.

Further, the conference agreement adopts a Senate provision and calls for an extremely unwise reduction in appropriations for the VA Office of Facilities. This office runs the VA's vast construction programs. While improvements can always be made arbitrarily cutting $5 million will necessitate the loss of almost 100 employees, a reduction of 16 percent. There is no reason to believe such a step will improve VA's construction operations. To the contrary, VA's construction operations will be degraded.

Finally, Mr. Speaker, this conference agreement still funds excessive public housing subsidies. In fact, the conference agreement would put even less than the House-passed bill did into the new and innovative housing programs that are badly needed to give tenants a stake in their future.

The funding priorities in this conference agreement are mixed up, and all in all, it is not as good as the House-passed bill I voted against last June. I urge my colleagues to oppose the conference agreement on H.R. 2519.

Mr. ERDREICH. Mr. Speaker, I rise today to express my concern for the Federal Emergency Management Agency's budget request and authorization of appropriations for a flood risk directory project in conjunction with the digitization of flood insurance rate maps. The total program costs are expected to be over $45 million over the next 10 years.

The Committee on Banking, Finance and Urban Affairs' Subcommittee on Policy Research and Insurance, which I chair, has jurisdiction and oversight responsibility over the National Flood Insurance Program. The subcommittee has requested meetings with the Federal Insurance Administration on two occasions to discuss the program and the subcommittee's reservations in full detail.

I do not question the appropriateness of the directory as a Federal product, but rather the accuracy of the directories which are based on census data. The directories would only include 50 to 60 percent of all addresses of structures located in special flood hazard areas. Flood risk directories do not provide communities and homeowners with a full accurate listing of addresses in the flood plain. Communities and homeowners should not rely on the limited information provided in these directories to determine whether their structures are located in the flood plain. My fear, Mr. Speaker, is that the flood risk directories may provide communities and homeowners with a false sense of security.

Mr. Speaker, the Subcommittee on Policy Research and Insurance has spent the past 2½ years reviewing the National Flood Insurance Program. I introduced H.R. 1236, the National Flood Insurance, Mitigation, and Erosion Management Act of 1991, last March and the legislation passed the House overwhelmingly in May by a vote of 388 to 18. The legislation addresses the need for continuous map updates and maintenance to determine insurance rates and implement flood hazard reduction activities.

The digitization of flood insurance maps and the creation of a flood risk directory are an important undertaking by the Federal Insurance Administration. The accuracy of the information, however, is the foundation of the insurance and mitigation elements of the program. I raise my concerns for the flood insurance policyholders who are funding the flood risk directory project and for communities and homeowners who may depend on the flood risk directories to determine whether their structures are located in special flood hazard areas.

Mr. KLECZKA. Mr. Speaker, I rise today in support of the fiscal year 1992 VA–HUD conference report. I also rise to thank the members of the Appropriations Committee and my good friend, Chairman TRAXLER, for their hard work in steering this outstanding legislation through the House-Senate conference. Once again, Chairman TRAXLER has shown his leadership in gaining consensus on the controversial issues raised by this legislation.

The VA–HUD conference report provides for a broad cross-section of American life. The legislation funds programs which will benefit our Nation's veterans, protect our environment, continue the Space Program, and further our mission to increase affordable housing opportunities. Despite the constraints imposed by last fall's budget agreement, this legislation gives each of these programs a fair shake.

The conference report shines brightest in its provisions for housing and community development programs. For example, the highly-regarded Community Development Block Grant [CDBG] Program will receive almost $3.4 billion, and the home program will receive $1.5 billion.

The conference report also funds an innovative and much-needed demonstration project for low-income residents in my district. The conference report appropriates $4.2 million authorized by The 1990 Cranston-Gonzalez National Affordable Housing Act for the development, rehabilitation and revitalization of two vacant structures in a minority Milwaukee neighborhood. Two successful, neighborhood-based organizations, the United Community Center and Esperanza Unida, will work with the redevelopment authority of the city of Milwaukee to convert these neglected buildings into sites for housing, social services, and community development. I am proud to have led the effort in the House to gain funding for this crucial project.

Mr. Speaker, this is vital legislation and I applaud Chairman TRAXLER and his subcommittee for their efforts on behalf of America's future.

Mr. FAWELL. Mr. Speaker, I rise to raise an objection to the amendment in technical disagreement, number 35, on the VA–HUD appropriations bill (H.R. 2519, House Report 102–226).

I am strongly opposed to the amendment because it provides $150 million for 133 special purpose grants. The House-passed version contained no such grants. The Senate-passed version contained 58 special purpose grants, none of which was authorized, subject to any sort of congressional hearing, or competitively awarded.

The remaining 75 projects were added in the conference committee. By definition, these grants are not authorized, not subject to any hearing, and not competitively awarded.

To add insult to injury, the funding for these special purpose grants is coming from the account for annual assisted housing. This, to me, is unfathomable. By agreeing to this amendment, we are taking money from low-income housing to fund projects which have never been publicly scrutinized in any fashion. While some of these projects have admittedly laudable purposes, that is no excuse for not obtaining funding through the established appropriations process.

Additionally, many of these projects, which are reducing the amount available to assist low-income housing, have no relation whatsoever to the mission of HUD. Money which would have been used to provide low-income housing assistance will instead be spent for what we must assume are deemed higher priorities by the committee and the conferees. These include $1 million for the rehabilitation of a historic building in Ypsilanti, MI; $505,000 for a performing arts cultural center in North Miami Beach, FL; and $1.5 million for acquisition and renovation of theatre space in New York City.

Prior to the HUD Reform Act of 1989, these special purpose grants were funded under section 107, the Secretary's discretionary fund. When the abuse and mismanagement at HUD under Secretary Pierce's watch came to light, Congress zeroed-out this discretionary fund, thereby supposedly ending the practice of giving special purpose grants.

In his subcommittee's November 1, 1990, report on the HUD Reform Act, my colleagues from the other side of the aisle, TOM LANTOS, clearly stated that housing projects should be awarded on the basis of merit and competition, not power and influence. Quoting from page 8 of the report, Mr. Lantos states:

> There is a need to take politics and discretion out of housing programs. This applies equally to the executive and legislative branches. Just as it was wrong for HUD, under Secretary Pierce, to dole out housing units and grants to former HUD officials and the politically well-connected, and just as it was not right for President Reagan in 1982 to give housing units to New Jersey to influence a Senate race, so too Congress should not earmark funding for housing projects in appropriations bills. This practice by Congress, which circumvents objective criteria, competition, and merit, should be ended.

Unfortunately, the Congress did not heed Mr. LANTOS' wise counsel. The fiscal year 1991 HUD appropriations bill, which was the first since the HUD Reform Act went into effect funded 60 special purpose grants, totaling $53 million, under the section for annual contributions for assisted housing. Rather than ending the abuse, Congress had become the abuser. In what may be classified as "Robin Hood in reverse," Congress robbed the poor to pay off the powerful.

This year, the heist is even larger. The number of projects has more than doubled—from

60 to 133—and the amount of money has nearly tripled—from $53 million to $150 million. The $150 million spent on this year's special purpose grants could have funded 5,000 housing vouchers and certificates.

Earlier this year, I introduced the Spending Priorities Reform Act—H.R. 2643. This bill seeks to rescind the unobligated balances for 325 fiscal year 1991 projects, totaling over $1 billion at the time, which received funding in violation of the budget process. Among the projects included in the measure were the 60 special purpose grants in last year's HUD appropriations bill. Next year I plan to introduce a similar rescission package and you can be sure I will include the money for the 133 special purpose grants funded this week.

In a letter to the conferees, Secretary Kemp made clear his great displeasure with the special projects:

> The administration strongly objects to many provisions in both the House and Senate bills allocating funds directly to specific recipients and projects without competition. The Department believes that scarce HUD resources should be allocated through open and fair competition, consistent with the HUD Reform Act.

In this time of budget crisis, Congress must prioritize the needs of the Nation and adhere to a rigorous process of public scrutiny to ensure that our limited resources are doing the most good. The practice of awarding projects on the basis of power and influence should no longer be tolerated and I will continue to fight such abuses.

Mr. BROWN. Mr. Speaker, may I express my deep appreciation to my dear friend, Mr. TRAXLER, for yielding this time because I know how pressed he is for time, and I know he is giving me the time only because I promised him that I was going to support the bill, and I reiterate that.

I want to take this opportunity to comment on a few of the matters under the jurisdiction of the Committee on Science, Space, and Technology. I want to commend the gentleman from Michigan and the gentleman from New York and all the conferees for the work that they did on this bill. Indeed, there can be no doubt they made some very difficult choices as they had to within the confines of the budget agreement.

The conference report addresses many of the issues that authorizing committee has dealt with over the past year, and for the most part the funding decisions are reasonable. There is one disturbing aspect of the process, however, that I must call to the attention of my colleagues since it threatens to undermine any good work that we manage to do. This relates to the practice of adding unauthorized, unrequested earmarks for personal interest items. This, of course, is a time-honored tradition of this body and could be overlooked if it were not for the severe budgetary environment that we have had to operate under this year and will for the foreseeable future. This year, the budget reductions that Congress has had to make has made it entirely inappropriate to indulge in the earmarking that we are being asked to approve.

Mr. Speaker, I am not going to go into a diatribe about this. I am bringing it up because I think we have a serious problem with regard to the relationship between the authorizing and appropriations committees, and we'll deal with this at a later point. In part, it's our responsibility on the authorizing committee that this has developed. The NASA bill, for example, has just been approved last week in the Senate. The appropriations bill will go to the President before the authorizing bill and the appropriators are under no constraints to be bound by that bill. In my opinion—as a chairman of an authorizing committee—that's intolerable but it's our fault not the Appropriation Committee's fault. We must seek ways in which to resolve that problem. I also understand full well how the members of the Appropriations Committee carry on in the great tradition of Winston Churchill who said, "I did not come to the primeministership of Britain to preside over the extinction of the British empire." The members of the Appropriations Committee, did not become members to preside over the diminution of Federal funds to their districts, and they continue in that great statesmanlike tradition to make sure they get as much as possible of these funds. And I admire that, but in the interest of equity and comity I think we are going to have to find some way to readjust the balance.

In the NASA area, the conference report contains over $100 million in projects that were never requested by the administration, never authorized, and never discussed on this floor. We were never given the choice between the space station, for example, and these projects. These appear in the NASA portion of the budget but some can scarcely even be called space projects. I will itemize these in more detail in the extension of my remarks, Mr. Speaker, and I will not belabor them here.

Mr. Speaker, the Congress and the American people have entrusted NASA with managing and carrying out the Space Program. This is a challenging task and NASA is now struggling to come to grips with this responsibility within the current budgetary climate. The conferees reduced the NASA budget by over $1.4 billion and the growth in the Space Program will not even cover inflationary increases. On top of all of this, the conferees have chosen to lay additional distractions on NASA completely unrelated to their purpose. I appreciated the remarks that Mr. GREEN made about his efforts to bring the station funding back to some intermediate level between the House and the Senate and to use those additional funds for space science. I want to make it absolutely clear that I supported the action that we took earlier in funding the space station on the assumption and in the hope that creative ways would be found to fund space science down the road in the Senate, with the cooperation of the administration. That has not happened to the degree that I would like or anywhere close. I want to make it absolutely clear that I will not sacrifice space science for the space station if we are unable to resolve this conflict. I hope and believe that Mr. GREEN and Mr. TRAXLER both appreciate the fact that my deepest commitment in the Space Program is to the science base, not to the hardware base. I think we need a properly balanced program, however, and I will seek to achieve that every way that I possibly can.

Elsewhere in the conference report is funding for the programs of the National Science Foundation. This is a substantial increase over the current fiscal year, the increase is welcome, and I commend the committee for their efforts on behalf of the National Science Foundation.

This gentleman regrets that his time has expired. He had many more very important words and will put them in the RECORD.

The SPEAKER pro tempore (Mr. TORRICELLI). All time has expired.

Mr. TRAXLER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. WALKER. 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. Evidentily, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 390, nays 30, not voting 12, as follows:

[Roll No. 286]

YEAS—390

Abercrombie	Chandler	Fazio
Ackerman	Chapman	Feighan
Alexander	Clay	Fields
Allard	Clement	Fish
Anderson	Clinger	Flake
Andrews (ME)	Coble	Foglietta
Andrews (NJ)	Coleman (MO)	Ford (MI)
Andrews (TX)	Coleman (TX)	Frank (MA)
Annunzio	Collins (IL)	Franks (CT)
Anthony	Collins (MI)	Frost
Applegate	Combest	Gallegly
Aspin	Condit	Gallo
Atkins	Conyers	Gaydos
AuCoin	Cooper	Gejdenson
Bacchus	Costello	Gekas
Baker	Coughlin	Gephardt
Ballenger	Cox (IL)	Geren
Barnard	Coyne	Gibbons
Barrett	Cramer	Gilchrest
Barton	Cunningham	Gillmor
Bateman	Darden	Gilman
Bennett	Davis	Gingrich
Bentley	de la Garza	Glickman
Bereuter	DeFazio	Gonzalez
Berman	DeLauro	Goodling
Bevill	Dellums	Gordon
Bilbray	Derrick	Goss
Bilirakis	Dickinson	Gradison
Bliley	Dicks	Grandy
Boehlert	Dingell	Green
Boehner	Dixon	Guarini
Bonior	Donnelly	Gunderson
Borski	Dooley	Hall (OH)
Boucher	Doolittle	Hall (TX)
Boxer	Dorgan (ND)	Hamilton
Brewster	Dornan (CA)	Hammerschmidt
Brooks	Downey	Hansen
Broomfield	Durbin	Harris
Browder	Dwyer	Hastert
Brown	Dymally	Hatcher
Bruce	Early	Hayes (IL)
Bryant	Eckart	Hayes (LA)
Bunning	Edwards (CA)	Hefley
Bustamante	Edwards (TX)	Hefner
Byron	Emerson	Henry
Callahan	Engel	Herger
Camp	English	Hertel
Campbell (CA)	Erdreich	Hoagland
Campbell (CO)	Espy	Hobson
Cardin	Evans	Hochbrueckner
Carper	Ewing	Horn
Carr	Fascell	Horton

Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
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
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
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
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—30

Archer
Armey
Bellenson
Burton
Cox (CA)
Crane
Dannemeyer
DeLay
Dreier
Duncan
Fawell
Hancock
Hughes
Jacobs
Kyl
Luken
McEwen
Moorhead
Murphy
Obey
Orton
Packard
Pallone
Pease
Penny
Petri
Roemer
Rohrabacher
Sensenbrenner
Stump

NOT VOTING—12

Edwards (OK)
Ford (TN)
Holloway
Hopkins
Kaptur
LaRocco
Mrazek
Neal (NC)
Ridge
Santorum
Slaughter (VA)
Waters

□ 1226

Mrs. COLLINS of Illinois, Mr. BEREUTER, and Mr. DORNAN of California changed their vote from "nay" to "yea."

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

So the conference report 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. LAROCCO. Mr. Speaker, during the vote on H.R. 2519, I was unavoidably detained and unable to record my vote. Had I been present, I would have voted "aye."

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 4: Page 7, line 11, strike out "$375,000,000" and insert: "$389,550,000".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 4, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$413,360,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 5: Page 7, line 18, after "activities" insert: ": *Provided further*, That of the funds made available under this heading, not to exceed $6,000,000 shall be available for transfer to the Medical Administration and Miscellaneous Operating Expenses Appropriation for quality assurance functions".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 5, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert the following: "$3,000,000".

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 6: Page 7, line 18, after "activities" insert:" : *Provided further*, That of the funds made available under this heading, $700,000 shall be made available for a rural mobile clinic in the State of Vermont".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 6, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 9: Page 9, line 5, strike out "$854,204,000" and insert: "$805,159,000".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 9, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$796,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

□ 1230

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 10: Page 9, line 18, after "amended" insert: ": *Provided further*, That the funds appropriated in the preceding proviso shall be available only after submission to the Congress of a formal budget request by the President that designates said amount as an emergency requirement as defined in section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 10, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 14: Page 11, line 24, after "standpoint" insert: ": *Provided further*, That $100,000 of the funds made available under this heading shall be for the purchase of land adjacent to the Veterans Medical Center, Beckley, West Virginia".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 14, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 15, after line 12, insert:

Notwithstanding the funding limitations contained in section 346 of Public Law 100-322 (May 20, 1988), appropriations available to the Department of Veterans Affairs for fiscal year 1992 for National Cemetery System shall be available for the operation and maintenance of the National Memorial Cemetery of Arizona (formerly the Arizona Veterans Memorial Cemetery).

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 20, and concur therein with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert the following:

Notwithstanding the funding limitations contained in section 346 of Public Law 100-322 (May 20, 1988), appropriations available to the Department of Veterans Affairs for fiscal year 1992 for the National Cemetery System shall be available for the operation and maintenance of the National Memorial Cemetery of Arizona (formerly the Arizona Veterans Memorial Cemetery): *Provided*, That the provisions of this paragraph regarding the National Memorial Cemetery of Arizona shall be effective until (a) enactment into law of legislation concerning funding for the National Memorial Cemetery of Arizona or (b) November 30, 1991, whichever first occurs.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will desigante the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 21: Page 15, after line 12, insert:

The Secretary of the Department of Veterans Affairs is hereby required to comply with regulations to be issued by the Department of Health and Human Services pursuant to the Clinical Laboratory Improvement Amendments of 1988.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 21, and concur therein.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I demand that the question be divided.

The SPEAKER pro tempore. The question will be divided.

The question is, Will the House recede from its disagreement to the amendment of the Senate numbered 21.

The House receded from its disagreement to the amendment of the Senate numbered 21.

PREFERENTIAL MOTION OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MONTGOMERY moves that the House concur in the amendment of the Senate numbered 21 with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SEC. 101. (a) REGULATIONS FOR STANDARDS OF PERFORMANCE IN DEPARTMENT OF VETERANS AFFAIRS LABORATORIES.—(1) Within the 120-day period beginning on the date on which the Secretary of Health and Human Services promulgates final regulations to implement the standards required by section 353 of the Public Health Service Act (42 U.S.C. 263a), the Secretary of Veterans Affairs, in accordance with the Secretary's authority under title 38, United States Code, shall prescribe regulations to assure consistent performance by medical facility laboratories under the jurisdiction of the Secretary of valid and reliable laboratory examinations and other procedures. Such regulations shall be prescribed in consultation with the Secretary of Health and Human Services and shall establish standards in accordance with the requirements of section 353(f) of the Public Service Act.

(2) Such regulations—

(A) may include appropriate provisions respecting waivers described in section 353(d) of such Act and accreditations described in section 353(e) of such Act; and

(B) shall include appropriated provisions respecting compliance with such requirements.

(b) REPORT.—Within the 180-day period beginning on the date on which the Secretary of Veterans Affairs prescribes the regulations required by subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on those regulations.

(c) DEFINITION.—As used in this section, the term "medical facility laboratories" means facilities for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. TRAXLER] will be recognized for 30 minutes, and the gentleman from New York [Mr. GREEN] will be recognized for 30 minutes.

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that the distinguished gentleman from Mississippi [Mr. MONTGOMERY] be allocated 30 minutes, and the other 30 minutes be equally divided between myself and the distinguished gentleman from New York [Mr. GREEN].

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, this motion is very simple. The provision contained in the Senate bill regarding the regulation of VA laboratories is legislation that is in our appropriations bill.

As we all know, it is common practice in the Senate to include legislative provisions in appropriations acts. I would ordinarily object to that. However, the motion that I am offering is identical to the language that passed the House on June 25, 1991, in section 304 of H.R. 2280. That bill is on the Senate Calendar and is awaiting further Senate action.

Mr. Speaker, as chairman of the committee with responsibility for authorizing the activities of the Department of Veterans Affairs, I have examined the need for quality standards for the Department's clinical laboratories. This amendment requires the VA to establish standards for clinical laboratories that are consistent with standards which the Secretary of Health and Human Services, Dr. Sullivan, will prescribe for private laboratories.

Mr. Speaker, the problem is the Secretary has not issued any type of regulations pertaining to laboratories and the HHS does not have any laboratories.

We have discussed this language with the Committee on Energy and Commerce and the gentleman from Michigan [Mr. DINGELL], and they agree with our approach to this subject.

This amendment makes VA responsible for assuring the quality of laboratory services it performs. If we start handing over the responsibilities to other departments, it could result in services to veterans being reduced, and that is the last thing we need to do.

Mr. Speaker, the VA operates 172 hospitals and 339 outpatient clinics. It has always operated its laboratories at the highest standards. There has been no criticism of its activities in that area.

Mr. Speaker, I might add that this amendment we are proposing was added on on the Senate side, as our House managers will explain themselves here.

We have no intention of allowing the Secretary of another department to determine whether the standards to be applied in VA laboratories have been met. That responsibility should rest with the Secretary of Veterans Affairs.

Mr. Speaker, as I said earlier, HHS has no laboratories of their own. We have no problem with the law itself to regulate private and small laboratories.

When the House considered this provision on June 25, there was no opposition to the agreement that had been worked out before our committee and with the Committee on Energy and Commerce.

Mr. Speaker, I urge Members to support this amendment. All of the veterans organizations in this country strongly oppose the Senate appropriation provision.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding. I would like to commend the distinguished chairman of the Committee on Veterans' Affairs for offering this amendment. He has stated that the VA needs to be held to the highest standards possible, and I think we do that. However, we should not place VA laboratories under the control of another Federal agency.

Mr. Speaker, I urge Members to support the previously passed provision in H.R. 2280 by voting for the Montgomery amendment.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

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

Let me just say, as the former ranking Republican on the Committee on Veterans' Affairs, that I want to concur in the statement of the gentleman from Mississippi [Mr. MONTGOMERY] and the statement of the gentleman from Arizona [Mr. STUMP]. As one of the major sponsors, along with these gentlemen, of the bill which created the Department of Veterans Affairs, this is the very reason we did it, to keep the other agencies out of the hair of the Veterans' Administration.

Mr. Speaker, we want to hold the Veterans' Administration responsible. They do a good job. These Members and I have concentrated on this for years.

Mr. Speaker, I certainly hope that the House supports the motion of the gentleman from Mississippi [Mr. MONTGOMERY] in this effort. I commend the gentleman for it.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his comments.

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

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

Mr. Speaker, certainly no one regrets this issue coming before this body more than I do. The relationship that I have had with the authorizing Committee on Veterans' Affairs has been, I think, one of the most enjoyable in my congressional career.

Mr. Speaker, to the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP], I have the highest personal regard. There are no two Members in this body that are more committed to America's veterans and the promotion of their cause than these two fine gentlemen.

Mr. Speaker, I want to bring before Members what the position of the Senate is. In a sense, when we are in conference and are talking about what the House wants and they talk about what the other body wants, it is not without reason. Oftentimes one is moved out of considerations, often unrelated to the specific issue in front of us.

One of the things that sometimes motivates us in a minor way on the House side in conference on these appropriations bills is that we are sometimes driven by budget matters—budget considerations on outlays. We are under constraints to get the job done within the moneys available to us. I can tell Members that there is a little known provision in the summit agreement that sort of moved us along to resolve matters of difference between the House and Senate in the conference, and we did not perhaps argue as long as we should have on some issues.

□ 1240

Of course, this is one of those issues of great importance to my authorizing friends and to me as well.

There was created, not by me, but by the Committee on Appropriations and by the authorizers in the summit agreement of last fall, a special set-aside of money to accommodate scorekeeping differences between OMB and CBO. And in this bill alone, there is a total of some $400 million that must, as the bill is presently constructed, make use of that special set-aside.

I must say, what we are looking at is a race, a race between myself and my other subcommittee chairmen on appropriations to that special set-side. And we were highly motivated to proceed as rapidly as possible and as expeditiously as possible because the special set-aside is not sufficient to cover all of the differences in the appropriations bills. So please understand that this was in the back of my mind.

The Senate felt very, very strongly on the issue. I think the gentleman from Mississippi [Mr. MONTGOMERY] very adequately said it for us, and I certainly do not disagree with his definition.

The bill provides that the Department of Veterans Affairs is required to comply with regulations to be issued by the Department of Health and Human Services pursuant to the Clinical Laboratory Improvement Amendments of 1988. Those regulations, I am told, will be out very soon. That will bring all of America's—if this amendment as proposed by the Senate is concurred in—that will bring all of America's laboratories, whether it is a hospital laboratory or the clinical laboratory in one's hometown, and the VA laboratories under the same standards.

For some people in the health care field, that is an important issue. It happens that the Members on the Senate side that sit on the Committee on Appropriations were involved in the writing of the clinical laboratory improvement amendments bill, and so they have a personal commitment here to bring everybody under that umbrella bill.

On the other hand, the history of the VA is that it stands outside of these general provisions that relate to, shall we say, the civilian hospitals. And rightfully so, my chairman on the Committee on Veterans' Affairs has insisted that this be the case. I advanced those arguments in the course of the conference.

I must say that the Senate felt very strongly on this. I told them how strongly the authorizing committee on the House side felt on this issue, and I feel very much like a person who is sort of caught in the center, who wants

to support my House colleagues and at the same time wants to get the conference report done so we can utilize the special set-aside, among other reasons, and to complete action on this bill which is important to all Members. And all Members want to do the same thing.

What I am saying to my colleagues is that we came down in the conference on the side of what the Senate was recommending. I cannot say that that was absolutely right. What I can say is that we have presented the issues for Members' consideration and we want the matter as expeditiously resolved as possible.

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

Mr. TRAXLER. Mr. Speaker, I want to say to the gentleman from New York [Mr. SOLOMON] that in my association with him over these years and, of course, he was on the authorizing committee—the Committee on Veterans' Affairs—and he left that for another position, a very demanding one, I might add.

Even though he is no longer on the committee, there is no more loyal a supporter of the authorizing committee than the gentleman from New York [Mr. SOLOMON] is. Certainly his heart has always remained there.

I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, that is awfully nice of the gentleman. I do appreciate his remarks. Serving in that new capacity, as the ranking Republican on the Committee on Rules, my heart is still there looking out for helping the gentleman, and my good friend, the gentleman from New York, BILL GREEN, for the tremendous job they do for the veterans.

I just cannot tell them how much I appreciate it personally. I also know the spot that they, and other members of the subcommittee and our full Committee on Appropriations, are put in because they do have to compromise.

We discussed this in the debate on the unemployment insurance yesterday. We all have to bend a little. And so we know that they were put in that position. And that is why I think the gentleman from Mississippi [Mr. MONTGOMERY], knowing how vital this is, and the gentleman from Arizona [Mr. STUMP] and others, really would like to stick to our point.

The gentleman cannot renege on his agreement; probably putting all this pot together, he is right. Maybe he has to make that concession. But the House does not.

I just want the gentleman to know, it is no slap on his face if we oppose him on this issue, because we know the spot he is put in.

As a matter of fact, I would like to put in a plug for one of my bills because it is this very problem of the 602(b) allocation that lumps the Department of Veterans Affairs—the second largest department in Government—lumps them in with HUD, and EPA, and FAA, and all of the other AAA's, or whatever they are. And that is what is wrong.

My colleagues know, and I know, that the veterans ought to have their own subcommittee, so that we do not fight with these other agencies for that share of that pot. We ought to be fighting for the agencies within the Veterans Department for their fair share. Someday, down the line, I would like to sit down and discuss this with the gentleman and maybe we will not have this same problem. In the meantime, let us not necessarily cave in to some of the pompous Members of that other body that just want to get their way all the time.

I take my hat off to both gentleman.

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

Mr. TRAXLER. I yield to the gentleman from Arizona.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding to me. I just want him to know that we appreciate his kind words. It has been a pleasure to work with him on veterans' issues in the past. This is really not a spending issue. This is an authorization issue, and we on the authorizing committee should be able to settle this.

I thank the gentleman and commend him for this work.

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

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

As I think the members of the Committee on Veterans' Affairs can understand, as the manager on the minority side of this conference report, I find myself in a very difficult position.

The Senate has used the conference in a way which is disadvantageous to the Committee on Veterans' Affairs, and I understand that.

I also have to say, however, that on this issue the Senate was quite adamant. I have not a lot of hope that, if this motion is passed, we are going to have this issue instantly resolved, because I think the Senate feels just as strongly as do the members of the Committee on Veterans' Affairs on their side of this issue.

What I want to address is not the issue, which really—as the gentleman pointed out—is not truly an appropriations issue, but the consequences of delay.

The gentleman from Michigan, my good friend, pointed out one consequence of the delay. And that is the possibility that as the wheel turns, we shall lose some of the 602(b) authority that we now have and everyone will be worse off, including the veterans. That is one very real risk.

I should like to point out that there are other problems from delay also. One of those deals with the new housing programs. Our colleagues on the Committee on Banking, Finance and Urban Affairs are naturally very interested in seeing their new housing programs go into effect.

The effect of any extensive delay, if this becomes a matter of intransigence on the Senate side and the House side, will therefore mean that we shall be operating under a continuing resolution under which the new housing programs will have to start at the much lower levels in the House bill.

I think everyone on my side of the aisle ought to understand that the administration in general, and our former colleague, Secretary Kemp, are very eager to get on with those new programs. The Secretary regretted that they were not included in the supplemental, and the effect of delaying getting this bill to the President means that we are going to start the new programs not with a bang but a whimper.

Similarly, on the space station. As everyone knows, that is not my favorite program. But the House voted to go ahead with the space station.

□ 1250

And we agreed to go ahead at the higher level that was in the Senate bill.

If we are caught in a long delay, we go back to the lower of the levels in the House bill and the Senate bill as part of the continuing resolution, and I have to tell Members that is devastating not just to the space station—which will get some interim reduction in funding—but because of the way the space station amendment was crafted by the space station sponsors here in the House, it really has a very negative impact on the whole NASA operation, which certainly does not need any grief at this point.

So I do urge my colleagues to consider the consequences of delay as they decide whether to go back to the Senate on this one, where our chairman tried very, very hard to get the Senate to recede and was not able to do so. I ask all of my colleagues simply to consider the costs of delay, in terms of other programs, if we now get in a deadlock with the Senate on what is admittedly an important issue. But there are other important issues that this bill also addresses and that should be addressed promptly.

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

Mr. MONTGOMERY. Mr. Speaker, I have only one other speaker and then we can move to other amendments.

Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS], who is a member of our Veterans' Affairs Committee.

Mr. HARRIS. Mr. Speaker, I thank the chairman for yielding time to me. I am very fortunate to serve on the Veterans' Affairs Committee with our

chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and am also privileged to serve on the Energy and Commerce Committee with Chairman DINGELL.

Before I make my remarks, I would like to, at this point, personally thank BOB TRAXLER and BILL GREEN for the fine job that they have done on this conference report. I know that they worked long and hard.

But back in June the House made a very strong statement on this particular point, and then we passed H.R. 2280, as I recall on a voice vote. And it was a bill that had some very carefully crafted compromises, not only between our Committee on Veterans' Affairs but also the Committee on Energy and Commerce, and Chairman DINGELL had written a letter to the committee stating his position. I would like to share a portion of it because it goes to the heart of the agreement.

It says:

It also recognizes the desirability of vesting the Secretary of Veterans Affairs with authority for applying those requirements to veterans' laboratories by requiring the Secretary to prescribe regulations in accordance with the requirements of Section 353(f) and to establish appropriate compliance measures.

And this is what the House passed, and as I said, it was a very strong statement.

I do not have to tell my colleagues about the problems of in-fighting between different agencies. They can imagine the problems that we would have if we start putting the operation of the Department of Veterans Affairs under the Department of Health and Human Services. I just do not think that it is a good situation. It sets a bad precedent, and I encourage my colleagues to support this preferential motion of Chairman MONTGOMERY.

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

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

Mr. Speaker, I would like to say that we have had a wonderful relationship, and we will continue to have that, between our committee and the Subcommittee on Appropriations. Mr. Speaker, it is really like a good marriage. We are having a little spat right now, and of course we know we are right.

On this issue I might also say that the veterans did not cause this delay. It was the Senate Appropriations Committee by inserting this authorization amendment.

I am concerned that we do not want to delay this legislation. I never really have quite understood the scoring that they are talking about today, but I think it would be very, very unfair if the Senate and some Members over there would see fit to delay a question, such as this, which means so much to the veterans and is not that burning an issue.

Let me say that I understand what is being said here today and I appreciate the gentleman's remarks outlining the Senate's position. But as the gentleman knows, and I am speaking of the gentleman from Michigan [Mr. TRAXLER], that position contained in the appropriations bill did not come through the authorization committees of the Senate. They never saw this language. But as I said, the authorization committees in the House, both the Veterans' Affairs Committee and the Energy and Commerce Committee, as pointed out by the gentleman from Alabama [Mr. HARRIS], have stated their position, and that position is reflected in the amendment which I am offering at this time.

I urge my colleague to support the amendment.

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

Mr. TRAXLER. Mr. Speaker, I yield myself such time as I may consume to say that I want to express my appreciation to the distinguished gentleman from Mississippi. He has explained the issue well.

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

The SPEAKER pro tempore (Mr. TORRICELLI). The question is, Will the House concur in Senate amendment No. 21 with an amendment?

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

Mr. TRAXLER. Mr. Speaker, I object to the vote on the grounds 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 390, nays 24, not voting 18, as follows:

[Roll No. 287]

YEAS—390

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Billey
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Clay
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
Dymally
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
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
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)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Studds
Stump
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton

Torres	Vucanovich	Wise
Torricelli	Walker	Wolf
Towns	Walsh	Wolpe
Traficant	Washington	Wyden
Unsoeld	Weber	Wylie
Upton	Weldon	Yatron
Valentine	Wheat	Young (AK)
Vander Jagt	Whitten	Young (FL)
Vento	Williams	Zeliff
Volkmer	Wilson	Zimmer

NAYS—24

Atkins	Lehman (FL)	Stokes
Beilenson	Lightfoot	Thomas (WY)
Carr	McDermott	Traxler
Chapman	Mfume	Visclosky
Early	Panetta	Waters
Gradison	Sabo	Waxman
Green	Scheuer	Weiss
Kennedy	Skaggs	Yates

NOT VOTING—18

Chandler	Kaptur	Pursell
Clement	Kolbe	Ridge
Ford (TN)	Levine (CA)	Santorum
Hatcher	Mrazek	Slaughter (VA)
Holloway	Neal (NC)	Smith (IA)
Hopkins	Petri	Sundquist

□ 1318

Messrs. VISCLOSKY, CARR, STOKES, WAXMAN, and LEHMAN of Florida changed their vote from "yea" to "nay."

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

So the House concurred in the amendment of the Senate numbered 21 with an amendment.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TORRICELLI). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 25: Page 16, line 3, strike out "$100,000,000" and insert: "$130,000,000".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 25, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$95,000,000".

The SPEAKER pro tempore (Mr. TORRICELLI). The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

□ 1320

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 26: Page 16, line 8, strike out "$100,000,000" and insert: "$125,000,000".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$95,000,000".

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that the Senate amendments numbered 28, 29, 30, 34, 49, 53, 71, 73, 74, 75, 76, 78, 80, 81, 85, 89, 92, 98, 106, 123, 124, 139, 142, 147, 148, 153, 159, and 173 be considered en bloc and printed in the RECORD.

Mr. Speaker, these are noncontroversial, and I have discussed these amendments with the distinguished gentleman from New York [Mr. GREEN].

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. I did not catch all those numbers. Amendments numbered 35 and 131 were not included?

Mr. TRAXLER. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. BURTON of Indiana. Mr. Speaker, 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.

The texts of the amendments enumerated in the foregoing unanimous-consent request are as follows:

Senate amendment No. 28: Page 16, line 12, after "expended" insert: ": *Provided further*, That, notwithstanding any other provision of law, a mutual housing association shall qualify as an applicant under the HOPE for Homeownership of Multifamily Units Program".

Senate amendment No. 29: Page 16, line 12 after "expended" insert; ": *Provided further*, That in selecting eligible families to acquire vacant units under the HOPE for Homeownership of Single Family Homes Program, the recipient shall give a first preference to otherwise qualified eligible families who reside in public or Indian housing".

Senate amendment No. 30: Page 16, line 12, after "expended" insert; ": *Provided further*, That of the amounts made available by this paragraph, $225,000,000 shall be derived by transfer from amounts made available for nonincremental use under the heading "Annual contributions for assisted housing" in fiscal year 1991 and prior years which remains unreserved at the end of fiscal year 1991".

Senate amendment No. 34: Page 17, line 8, after "'"$250,000"'" insert; ": *Provided*, That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided herein for fiscal year 1992 only, require any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of such Act".

Senate amendment No. 49: Page 31, line 21, strike out "$3,265,000,000" and insert: "$3,400,000,000".

Senate amendment No. 53: Page 32, line 19, after "note)" insert; ": *Provided further*, That $2,000,000 shall be made available from the foregoing $3,400,000,000 to carry out a neighborhood development demonstration under section 915 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625)".

Senate amendment No. 71: Page 43, after line 13, insert:

The Secretary shall cancel the indebtedness of the Sale Creek Utility District in Soddy Daisy, Tennessee, relating to public facilities loan (Project No. TN 40-PFL0071) issued May 1, 1962. The Sale Creek Utility District in Soddy Daisy is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection with such loan.

Senate amendment No. 73: Page 43, after line 13, insert:

Notwithstanding any other provision of law, housing assistance payments in the amount of $896,000 made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144), for project-based assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) for the Ganado Acres project, shall be for a term beginning on December 1, 1989.

Senate amendment No. 74: Page 43, after line 13, insert:

Hereafter, notwithstanding any other provision of State or Federal law, regulation or other requirement, any public housing agency or Indian housing authority that purchases any line of insurance from a nonprofit insurance entity, owned and controlled by public housing agencies or Indian housing authorities, and approved by the Secretary, may purchase such insurance without regard to competitive procurement.

Senate amendment no. 75: Page 43, after line 13, insert:

Hereafter, the Secretary shall establish standards as set forth herein, by regulation, adopted after notice and comment rulemaking pursuant to the Administrative Procedures Act, which will become effective not later than one year from the effective date of this Act.

Senate amendment No. 76: Page 43, after line 13, insert:

Hereafter, in establishing standards for approval of such nonprofit insurance entities, the Secretary shall be assured that such entities have sufficient surplus capital to meet reasonably expected losses, reliable accounting systems, sound actuarial projections, and employees experienced in the insurance industry. The Secretary shall not place restrictions on the investment of funds of any such entity that is regulated by the insurance department of any State that describes the types of investments insurance companies licensed in such State may make. With regard to such entities that are not so regulated, the Secretary shall establish investment guidelines that are comparable to State law regulating the investments of insurance companies.

Senate amendment No. 78, Page 43, after line 13, insert:

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Department of Housing and Urban Development shall not exceed (1) 71 staff years for the Immediate Office of the Secretary/Under Secretary, (2) 13 staff years for the Deputy Under Secretary for Field Coordination, (3) 19 staff years for the Office of Public Affairs, (4) 28 staff years for the Office of Legislation and Congressional Relations, (5) 1,068 staff years for the Assistant Secretary for Housing—Federal Housing Commissioner, of which 25 staff years shall be for data management reform and preservation activities only, (6) 207 staff years for the Assistant Secretary for Public and Indian Housing, (7) 275 staff years for the Assistant Secretary for Community Planning and Development, (8) 137 staff years for the Assistant Secretary for Policy Development and Research, (9) 170 staff years for the Assistant Secretary for Fair Housing and Equal Opportunity, and (10) 219 staff years for the Office of General Counsel of which not more than 13 staff years shall be for the Immediate Office of General Counsel: *Provided*, That no funds may be used from amounts provided in this or any other Act for details of employees from any organization in the Department of Housing and Urban Development to any organization included under the budget activity "Departmental Management".

Senate amendment No. 80: Page 43, after line 13, insert:

Section 606(c) of the Housing and Community Development Act of 1987 (12 U.S.C. 1715l note) is amended by adding at the end thereof the following new sentence: "The Secretary may apply this 25 percent requirement to all the homes under Nehemiah housing opportunity program or to a phase (approved under subsection (b)) consisting of at least 16 homes.".

Senate amendment No. 81: Page 43, after line 13, insert:

For purposes of the United States Housing Act of 1937, members of the Pascua Yaqui tribe who reside in Guadalupe, Arizona, shall be considered (without fiscal year limitation) as residing on an Indian reservation or other Indian area.

Senate amendment No. 85: Page 45, after line 2, insert:

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

SALARIES AND EXPENSES

For use in establishing and paying the salaries and expenses of the Commission on National and Community Service under subtitle G of title I of the National and Community Service Act of 1990 (Public Law 101-610), $2,000,000, to remain available until September 30, 1993.

PROGRAMS AND ACTIVITIES

For use in carrying out the programs, activities and initiatives under subtitles B through F of title I of the National and Community Service Act of 1990 (Public Law 101-610), $73,000,000, to remain available until September 30, 1993.

Senate amendment No. 89: Page 47, line 8, after "established" insert: ": *Provided further*, That $500,000 of the amount provided under this heading for the Immediate Office of the Administrator shall not become available until the Administrator provides to the Committees on Appropriations the Agency's Strategic Plan".

Senate amendment No. 92: Page 48, line 1, after "development" insert: "; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project".

Senate amendment No. 98: Page 49, line 20, after "sites" insert: ": *Provided further*, That of amounts previously appropriated under this heading, $6,000,000 shall be available as a grant to the Christopher Columbus Center Development, Inc. for planning and design of the Christopher Columbus Center of Marine Research and Exploration in Baltimore, Maryland".

Senate amendment No. 106: Page 51, line 17, strike out "$2,195,000,000" and insert: "$2,400,000,000".

Senate amendment No. 123: Page 54, after line 7, insert:

LEAD ABATEMENT TRAINING AND CERTIFICATION

Not later than twelve months after the date of enactment of this Act, the Administrator of EPA shall, in consultation with the Secretary of Labor, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services (acting through the Director for the National Institute for Occupational Safety and Health) promulgate final regulations governing lead-based paint abatement activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited; that contractors engaged in such activities are certified; and that laboratories engaged in testing for substances that may contain lead-based paint are certified.

TRAINING GRANTS

Grants for training and education of workers who are or may directly be engaged in lead-based paint abatement activities shall be administered by the Environmental Protection Agency. Such grants shall be awarded to non-profit organizations engaged in lead-based paint abatement activities with demonstrated experience in implementing and operating worker health and safety lead-based paint abatement training and education programs and with a demonstrated ability to reach and involve in lead-based paint training programs target populations of workers who are or will be directly engaged in lead-based paint abatement activities. Grants shall be awarded only to those organizations which fund at least 30 percent of their lead-based paint abatement training programs from non-Federal sources, excluding in-kind contributions.

DEFINITION

For purposes of the immediately preceding two paragraphs, lead-based paint abatement activities means activities engaged in by workers, supervisors, contractors, inspectors, and planners who are engaged in the removal, disposal, handling, inspection, and transportation of lead-based paint and materials containing lead-based paint from public and private dwellings, public and commercial buildings, bridges, and other structures or superstructures where lead-based paint presents or may present an unreasonable risk to health or the environment.

Senate amendment No. 124: Page 54, after line 7, insert:

The Administrator shall maintain a facility within the Environmental Protection Agency to conduct biological testing of pesticides.

Senate amendment No. 139: Page 63 line 2, after "activities" insert:[66] ": *Provided further*, That of the funds appropriated under this heading, $6,000,000 shall be available to continue the construction, equipping, and integration of a Classroom of the Future on the campus of Wheeling Jesuit College; $3,400,000 shall be available for planning and design for facilities in support of the Consortium for International Earth Science Information Networks (CIESIN); $10,000,000 shall be available to West Virginia University for an independent software validation and verification facility; $10,000,000 for construction and equipping a new space dynamics lab at Utah State University; $13,500,000 shall be available for construction of integrated facilities to support for National Technology Transfer Center; and $20,000,000 shall be available for construction and outfitting of the Christopher Columbus Center of Marine Research and Exploration".

Senate amendment No. 142; Page 64, line 7, after "Act" insert: "with respect to any fiscal year."

Senate amendment No. 147; Page 65, after line 9, insert:

NATIONAL COMMISSION ON FINANCIAL INSTITUTION REFORM, RECOVERY, AND ENFORCEMENT

SALARIES AND EXPENSES

To carry out the provisions of subtitle F, title XXV, of the Crime Control Act of 1990, $1,000,000 to remain available until expended.

Senate amendment No. 148: Page 65, after line 9, insert:

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

SALARIES AND EXPENSES

For necessary expenses of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, in carrying out their functions under title VI of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, 103 Stat. 1987, 2052) $500,000, to remain available until expended.

Senate amendment No. 153: Page 67, line 19, after "appropriation" insert ": *Provided further*, That no funds in this account shall be used for the purchase of aircraft other than ones transferred from other Federal agencies."

Senate amendment No. 159: Page 69, line 13, after "year" insert "*Provided further*, That section 14(a)(3) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1873(a)(3)), is amended by striking the words "and when less than."

Senate amendment No. 173: Page 81, after line 6, insert:

SEC. 525. GENERAL ACCOUNTING OFFICE STUDY OF THE FEDERAL HOUSING ADMINISTRATION'S MUTUAL MORTGAGE INSURANCE FUND.—The General Accounting Office shall prepare and submit to Congress no later than April 1, 1992, a study of the actuarial soundness of the Federal Housing Administration's single family mortgage insurance program and the solvency of the Mutual Mortgage Insurance Fund. The study, using existing studies (including the study entitled "An Actuarial Review of the Federal Housing Administration's Mutual Mortgage Insurance Fund") and employing the latest reliable data available, shall analyze the actuarial soundness of the Mutual Mortgage Insurance Fund and the ability of the Mutual Mortgage Insurance Fund to meet the capital ratio targets established in the Omnibus Budget Reconciliation Act of 1990 under various economic and policy scenarios. Factors considered in the analysis shall include, but shall not be limited to, the following:

(1) The actuarial performance of all cohorts of loans insured by the Mutual Mortgage Insurance Fund, including all available post-1985 books of business. Specifically, the overall default rates and claims (loss) experience of these loans should be considered.

(2) The effect of the Mortgagor Equity rule issued by the Department of Housing and Urban Development, which limits the

amount of closing costs that can be financed with a Federal Housing Administration mortgage to 57 percent of the total amount of allowable closing costs, on the actuarial status of the Mutual Mortgage Insurance Fund, default rates of Federal Housing Administration borrowers, the relative impact on purchasers of homes at various price levels, and the ability of potential Federal Housing Administration borrowers to purchase homes.

(3) The effect of underwriting changes made by the Federal Housing Administration since 1986.

(4) The effect of the increase in the insurable maximum mortgage amount that was made permanent in the National Affordable Housing Act and the effect of further increasing the maximum mortgage amount.

(5) The impact of a policy to allow "streamlined refinancings" whereby the borrower would not be required to pay an annual premium.

(6) The Federal Housing Administration's accounting method for deferring and amortizing the Mutual Mortgage Insurance Fund single-family one-time premium revenue.

(7) The valuation of delinquent loans for loan loss reserve accounting purposes.

(8) The impact of various assumptions regarding the rate of real home price appreciation and mortgage interest rates.

(9) The effect of various economic conditions, including favorable, moderate, and adverse conditions, on the ability of the Mutual Mortgage Insurance Fund to build adequate capital levels.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendments of the Senate numbered 28, 29, 30, 34, 49, 53, 71, 73, 74, 75, 76, 78, 80, 81, 85, 89, 92, 98, 106, 123, 124, 139, 142, 147, 148, 153, 159, and 173 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 35: Page 17, strike out all after line 9 over to and including line 2, on page 23, and insert:

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $7,917,000,000, to remain available until expended: *Provided*, That to be transferred to and merged with the foregoing amounts, there shall be $1,764,747,195, consisting of $216,200,000 of budget authority previously made available for vouchers and certificates under section 8(o) and section 8(b) of the Act (42 U.S.C. 1437f(b)(o)) which remains unreserved at the end of fiscal year 1991; $348,547,195 of budget authority previously made available under this head for nonincremental purposes which remains unreserved at the end of fiscal year 1991; and $1,200,000,000 of recaptured section 8 funds resulting from the conversion of projects previously reserved under section 202 of the Housing Act of 1959, as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act, to the new capital grants program: *Provided further*, That, from the foregoing total of $9,681,747,195, $243,396,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); $573,982,500 shall be for the development or acquisition cost of public housing, including $15,719,158 for a demolition/disposition demonstration program in St. Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $3,000,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including funds for the comprehensive testing, abatement, and risk assessment of lead, of which $25,000,000 shall be for the risk assessment of lead and $5,000,000 shall be for technical assistance and training under section 20 of the Act (42 U.S.C. 1437r): *Provided*, That notwithstanding the 20 per centum limitation under section 5(j)(2) of the Act, of the $3,000,000,000 made available for modernization of existing public housing, $200,000,000 shall be awarded competitively for construction or major reconstruction of obsolete public housing projects, other than for Indian families, and $7,437,600 shall be for a demolition/disposition demonstration program in St. Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further*, That of the $9,681,747,195 total under this head, $883,750,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f), including $50,000,000 for a Foster Child Care demonstration program involving ten States, and $12,840,790 for a demolition/disposition demonstration program in St. Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $777,500,000 shall be for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)); $1,320,042,895 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, including $70,000,000 which shall be for rental adjustments resulting from the application of an annual adjustment factor in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235), and such amendments to section 8 contracts, other than amendments to contracts for projects developed under section 202 of the Housing Act of 1959, as amended, and other than amendments for rental adjustments resulting from the application of an annual adjustment factor in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235), shall be for no more than three years; $718,462,000 shall be for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intent to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and of the $718,462,000 made available for such assistance, up to $50,000,000 shall be for use by nonprofit organizations, pursuant to section 212 of the Emergency Low Income Housing Preservation Act of 1987, as amended by the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and for tenant and community-based nonprofit education, training and capacity building and the development of State and local preservation strategies; $166,900,000 shall be for loan management: *Provided*, That any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(B)(1)) shall be obligated for a contract term that is no more than five years; and $88,883,800 shall be for section 8 assistance for property disposition: *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That up to $227,000,000 of amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as hereinafter provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1992, shall be rescinded: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall not be rescinded, or in the case of cash, shall not be remitted to the Treasury, and such amounts of budget authority or cash shall be used by State housing finance agencies in accordance with such section: *Provided further*, That of the $9,681,747,195 total, $50,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) and $75,000,000 shall be for grants to States and units of general local government for the abatement of significant lead-based paint and lead dust hazards in low- and moderate-income owner-occupied units and low-income privately-owned rental units: *Provided further*, That such grant funds shall be available only for projects conducted by contractors certified and workers trained through a federally- or State-accredited program: *Provided further*, That, to be eligible for such grants, States and units of general local government must demonstrate the capability to identify significant-hazard housing units, to oversee the safe and effective conduct of the abatement, and to assure the future availability of abated units to low- and moderate-income persons; and $4,200,000 shall be for the housing demonstration under section 304(e)(1) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further*, That of the $54,250,000 earmarked in Public Law 101-507 for special purpose grants (104 Stat. 1351, 1357), $667,000 made available for the city of Chicago to assist the Ashland II Redevelopment Project shall instead be made available for the city of Chicago to assist the Marshway Project: *Provided further*, That notwithstanding the language preceding the first proviso of this paragraph, $72,800,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the Senate Appropriations Committee report on 1992 appropriations for the Departments of Veterans Affairs and Housing and Urban Development (S. Rept. 102-107) including $500,000 for the city of Kansas City, Kansas to operate a social service center.

Of the $9,681,747,195 total under this head, $573,200,000 shall be for capital advances for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $480,000,000 shall be for the project rental assistance for supportive housing for the elderly under such section 202(c)(2) of the Housing Act of 1959; $248,700,000 shall be for amendments to rental assistance contracts for projects for the elderly that receive capital advances or projects reserved under section 202 as it existed before enactment of the Cranston-Gonzalez national Affordable Housing Act; and $16,250,000 shall be for service coordinators pursuant to section 202(g) of the Housing Act of 1959, as amended by section 808 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625).

Of the $9,681,747,195 total under this head, $111,200,000 shall be for capital advances for housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $108,280,000 shall be for project rental assistance for persons with disabilities under section 811(b)(2) of the Cranston-Gonzalez National Affordable Housing Act; $23,300,000 shall be for amendments to rental assistance contracts for projects for the handicapped that receive capital advances, including projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act.

In 1992 and thereafter, the amount of assistance payments made with funds provided under this head for vouchers and certificates under section 8(o) and section 8(b) of the Act (42 U.S.C. 1437f(b)(o)) may be adjusted annually if necessary to assure continued affordability: *Provided*, That the aggregate amount of such adjustment may not exceed the amount of any excess of contributions provided for in the contract over the amount of assistance payments actually paid.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 35, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(INCLUDING RESCISSION OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $8,070,201,000, to remain available until expended: *Provided*, That to be added to and merged with the foregoing amounts, there shall be $2,287,000,000, consisting of $537,000,000 of budget authority previously made available under this head for nonincremental purposes which remains unreserved at the end of fiscal year 1991; and $1,750,000,000 of section 8 funds arising from the conversion to the new capital advance program of projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That, from the foregoing total of $10,357,201,000, $227,170,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); $573,983,000 shall be for the development or acquisition cost of public housing, including $15,719,158 for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and, notwithstanding the 20 per centum limitation under section 5(j)(2) of the Act, of the $573,983,000 for the development or acquisition of public housing, $200,000,000 shall be awarded competitively for construction or major reconstruction of obsolete public housing projects, other than for Indian families: *Provided further*, That of the $10,357,201,000 total under this head, $2,800,975,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 14371), including funds for the comprehensive testing, abatement, and risk assessment of lead, of which $25,000,000 shall be for the risk assessment of lead and $5,000,000 shall be for technical assistance and training under section 20 of the Act (42 U.S.C. 1437r), and $7,437,600 shall be for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further*, That of the $10,357,201,000 total under this head, $915,750,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f), including $50,000,000 for a Foster Child Care demonstration program involving 11 States, $12,840,790 for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and $20,000,000 for a demonstration involving five cities with populations exceeding 400,000 in metropolitan areas with populations exceeding 1,500,000 under which the Secretary shall carry out metropolitan-wide programs, designed to assist families with children to move out of areas with high concentrations of persons living in poverty, through contracts with nonprofit organizations and through annual contributions contracts with public housing agencies for administration of housing assistance payments contracts: *Provided further*, That of the $10,357,201,000 total provided under this head, $794,167,000 shall be for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)); $2,300,000,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, including $70,000,000 which shall be for rental adjustments resulting from the application of an annual adjustment factor in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (P.L. 101-235); $618,462,000 shall be for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intent to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and of the $618,462,000 made available for such assistance, up to $25,000,000 shall be for use by nonprofit organizations, pursuant to of the Emergency Low Income Housing Preservation Act of 1987, as amended by the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and for tenant and community-based nonprofit education, training and capacity building and the development of State and local preservation strategies; $88,884,0000 shall be for section 8 assistance for property disposition; and $257,000,000 shall be for loan management: *Provided further*, That any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall be obligated for a contract term that is no more than five years: *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That up to $167,000,000 of amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1992, shall be rescinded: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall not be rescinded, or in the case of cash, shall not be remitted to the Treasury, and such amounts of budget authority or cash shall be used by State housing finance agencies in accordance with such section: *Provided further*, That of the $10,357,201,000 total, $50,000,000 shall be for housing opportunities for persons with AIDS under Title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) and $50,000,000 shall be for grants to States and units of general local government for the abatement of significant lead-based paint and lead dust hazards in low- and moderate-income owner-occupied units and low-income privately-owned rental units: *Provided further*, That such grant funds shall be available only for projects conducted by contractors certified and workers trained through a federally- or State-accredited program: *Provided further*, That, to be eligible for such grants, States and units of general local government must demonstrate the capability to identify significant-hazard housing units, to oversee the safe and effective conduct of the abatement, and to assure the future availability of abated units to low- and moderate-income persons; and $4,200,000 shall be for the housing demonstration under section 304(e)(1) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further*, That of the $54,250,000 earmarked in Public Law 101-507 for special purpose grants (104 Stat. 1351, 1357), $667,000 made available for the city of Chicago to assist the Ashland II Redevelopment Project shall instead be made available for the city of Chicago to assist the Marshway Project: *Provided further*, That notwithstanding the language preceding the first proviso of this paragraph, $150,000,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the committee of conference report and statement of managers (H. Rept. 102-226 accompanying this H.R. 2519, including $500,000 for the city of Kansas City, Kansas to operate a social service center.

Of the $10,357,210,000 total under this head, $538,808,000 shall be for capital advances for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (P.L. 101-625); $451,200,000 shall be for project rental assistance for supportive housing for the elderly under such section 202(c)(2) of the Housing Act of 1959; $148,700,000 shall be for amendments to rental assistance contracts for projects for the elderly that receive capital advances or projects reserved under section 202 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act; and $16,250,000 shall be for service coordinators pursuant to section 202(g) of the Housing Act of 1959, as amended by section 808 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided*, That to the extent that the funding provided herein for rental assistance contracts for the elderly that receive capital advances is insufficient to match the units provided through capital advances, funds deemed excess in other section 8 programs may be added to and merged with the rental assistance funding to ensure that sufficient rental assistance units are available.

Of the $10,357,201,000 total under this head, $102,860,000 shall be for capital advances for housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (P.L. 101-625); $100,159,000 shall be for project rental assistance for persons with disabilities under section 811(b)(2) of the Cranston-Gonzalez National Affordable Housing Act; and $23,300,000 shall be for amendments to rental assistance contracts for projects for the handicapped that receive capital advances, including projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act.

The Secretary of Housing and Urban Development shall make a commitment and provide capital advance assistance under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act, or section 811 of such Act if the project is for persons with disabilities, for any project for which there is a loan reservation under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act, if the loan has not been executed and recorded, and if the project is making satisfactory progress under 24 CFR section 885.230: *Provided*, That the Secretary shall not make such commitments and provide such capital advance assistance before January 1, 1992: *Provided further*, That the Secretary shall have the discretion until April 1, 1992 not to terminate a project and not to convert a project to capital advance assistance: *Provided further*, That upon converting a project to capital advance assistance, the loan reservation for such project shall be terminated: *Provided further*, That a project not making satisfactory progress under 24 CFR section 885.230 shall not have its loan reservation terminated before January 1, 1992, and the Secretary shall ensure that the processing of all projects through loan execution and recordation or the making of the capital advance is expedited, and that no project being so processed shall have the order in which it is processed arbitrarily changed: *Provided further*, That an owner of a project that is converted pursuant to this paragraph shall be permitted voluntarily to provide funds for capital costs in addition to the capital advance, from debt or other non-Federal sources.

With respect to each project that has a loan reservation terminated pursuant to the immediately foregoing paragraph, the Secretary of Housing and Urban Development shall convert each funding reservation that was made under section 8 of the United States Housing Act of 1937 or section 202(h) of the Housing Act of 1959, before enactment of the Cranston-Gonzalez National Affordable Housing Act, to a commitment for project rental assistance under such section 202 as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act or section 811 of the Act.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I am opposed to this motion, and I ask for 20 minutes of the time.

The SPEAKER pro tempore. Is the gentleman from New York [Mr. GREEN] in favor of or opposed to the motion?

Mr. GREEN of New York. Mr. Speaker, I am in favor of the motion.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. TRAXLER] will be recognized for 20 minutes, the gentleman from New York [Mr. GREEN] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know some of my colleagues have seen this poster before. It is a picture of a hog eating the Capitol dome. I will not belabor the point.

I would like for all of you to take a close look at it because that is the purpose of my statement here today.

A couple of years ago this House eliminated the slush fund commonly known as the Secretary's discretionary fund from HUD, which amounted to about $70 million.

This amendment I am talking about right now, amendment No. 35, has 133, count them, 133 pork barrel projects. Now, some of these projects that are in this amendment are very worthy projects. But I submit that we should set priorities on our spending and that many of these projects can and should be paid for by the States involved or by the local communities involved.

Mr. Speaker, I would just like to give you a sampling of some of these projects that are among these 133, most of which I consider to be pork: $1.5 million for a municipal center in Bloomfield, NM; $200,000 for the National Association of the Southern Poor; $4.4 million for the city of Portland, OR, to establish a northeast Portland revolving fund to be used for urban economic development; $500,000 for the Newark public library to develop literacy training in reading rooms at 5 public housing developments in Newark, NJ; $900,000 for the renovation of an abandoned building to convert into an economic development and training center at Elkins, WV; $1 million to rehabilitate the Pease Auditorium, a historic building in Ypsilanti, MI; $2.9 million for demolition and park construction in Tampa, FL; $2 million for construction of a multiuse facility which will aid in the revitalization effort in Buffalo, NY; $1 million for a parking garage in Ashland, KY; $150,000 for a new Government Center in Warren, RI; and so on and so on.

That is 133 of these projects.

Mr. Speaker, the deficit this year, which was projected to be under $200 billion because we raised the people's taxes in this country by $137 billion last year to get control of our deficit, is not going to be under $200 billion, it is going to be more like $400 billion, the largest in U.S. history.

Mr. Speaker, 10 years ago, 11 years ago, in 1980, we had a $1 trillion-plus national debt. Do you know what the national debt is now? Four trillion dollars. It has gone up four times in 10 years. All of the debt that we incurred as a nation in the first 200 years-plus of our existence was $1 trillion. In the next 10 years, it has gone up 400 percent to $4 trillion.

This year, instead of the deficit going down, it is going to be double what they estimated.

Many of my colleagues, when they raised everybody's taxes by $137 billion last year, and it is going to be $400 billion, and that is one-tenth of the total of the national debt in 1 year, spending is out of control. My colleagues, I hope you will pay attention, spending is out of control.

□ 1330

In addition, this is a slush fund for pork barrel projects, this amendment; 133 pork barrel projects.

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

Mr. BURTON of Indiana. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, does my distinguished colleague, the gentleman from Indiana [Mr. BURTON], support the B-2 bomber? And the SDI?

Mr. BURTON of Indiana. Yes, I do.

Mr. TRAXLER. Could I hear it again?

Mr. BURTON of Indiana. Yes, I do.

Well, I am not going to get into a defensive posture on this issue, but let me tell my colleagues that defense as a proportion of the budget is about 20 percent and going down. That is way down from where it was when John F. Kennedy was President, when it was 50 percent of total spending.

The biggest problem we have is pork being put in, and the Defense Department has to set priorities on spending, and defense spending is going down, but the fact of the matter is every single Congressman here at one time or another seems to have some project

they think is extremely important that the Federal Government ought to pay for. We had a $1 million bike path not too long ago that we put in the transportation bill. If the State of Michigan wants that $1 million bike path, that is great, but the people of Indiana and the people of California should not pay for it, nor should they pay for most of the projects in this bill.

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

Mr. BURTON of Indiana. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, would the gentleman from Indiana [Mr. BURTON] refresh my memory? did the gentleman, a few months ago in this well, support $150 million for the Punjab, a foreign country?

Mr. BURTON of Indiana. $115 million for the Punjab?

Mr. TRAXLER. $150 million for the Punjab.

Mr. BURTON of Indiana. No, I do not recall ever voting for $150 million for the Punjab.

Mr. TRAXLER. I thank the gentleman from Indiana [Mr. BURTON] for the answer.

Mr. BURTON of Indiana. I do not know where the gentleman from Michigan [Mr. TRAXLER] is getting his information, but that is not correct.

But let me just say this: The deficit this year is going to be approaching one-tenth of the total national debt, which is $4 trillion. Ten years ago it was $1 trillion, and the pork barrel projects that are in almost every appropriations bill have to be dealt with. I think we need a line item veto with a two-thirds majority necessary to override any line item veto in order to get control of this spending.

We have an institutional problem. Three hundred eighty-five Members of this House asked for 3,000 projects from one subcommittee, one subcommittee of the Committee on Appropriations. Three hundred eighty-five Members asked for 3,000 projects, special projects, from one subcommittee of the Committee on Appropriations last year. That is one of the major reasons that we have this deficit spending out of control.

So, I would just like to say to my colleagues that this amendment should be defeated. Unfortunately the way it is worded we cannot do much about it today. We cannot do much about it because it is in report language. But I think every one of my colleagues ought to be aware that in conference committee we just put in 133 projects, most of which are pork, which are not prioritized and which are taking this country down the road to financial and fiscal ruin.

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Will my colleague, the gentleman from Indiana [Mr. BURTON] refresh my memory? I believe it was in June of this year when the foreign aid authorization bill came up, and, if I am not mistaken, and we are researching it at this moment, the gentleman asked for about $150 million to help out the Punjabs in India.

Mr. BURTON of Indiana. No.

Mr. TAYLOR of Mississippi. What is the difference between helping those folks with taxpayers' dollars and trying to help the people who elected us, and who pay our salaries, and who pay to run this great Nation?

Mr. BURTON of Indiana. May I reclaim my time?

First of all, the gentleman from Mississippi [Mr. TAYLOR] needs to get his facts straight, and the facts are these:

I asked for a cut in developmental aid to the country of India because of human rights in the Punjab, and they are not called Punjabis. They are called Sikhs. So, I did not ask for $150 million for the Punjab. The gentleman is in error.

Mr. TAYLOR of Mississippi. What did the gentleman ask for?

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

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

Mr. Speaker, I think what we should do is consider this appropriation a human rights appropriation. It is an appropriation for the human rights of Americans, and what we are doing in these amendments is building America's infrastructure.

Now there are people who disagree with that. They would rather spend money overseas on foreigners. They would rather spend money on a B-2 bomber, which most of us understand to be a worthless expenditure and without any necessity. But that is military pork. The gentleman from Indiana [Mr. BURTON] thinks this is pork.

We contend that every penny here stays in America, No. 1; No. 2: It benefits America, and No. 3: This is exactly in my judgment, at this time, the things that we ought to be doing, investing in our country and its people.

Now let me tell my colleagues there is no one, no one, that has a greater concern over the deficit than I. The difference between what the previous speaker was making in his point is that he would not spend on this country and its people. He would spend overseas, and he would spend in the military.

We do not have an enemy anymore, folks, and what we do have is a recession, and most Americans believe that there is a depression coming.

Now this is an important vote, and we do not get many of them like this. It is important because it sends a clear signal that this Congress; we understand where America is and what it needs. It is a prioritizing of Federal expenditures, of Federal dollars. Let me ask my colleagues what is more important than building this Nation, physically and in our human infrastructure? We should be doing health, we should be doing education, and we should be doing this kind of an infrastructure. Our major overseas competitors emphasize that. That is how they succeed. What do we do? We pay for the defense of those countries that allows them to build their nations, and we better get to doing it, or we are going to be worse than second rate.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. TRAXLER. I am delighted to yield to the distinguished gentleman from Indiana, the supporter of the B-2.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. TRAXLER. Of course. I just said I am delighted to yield to my good friend and supporter of the B-2.

Mr. BURTON of Indiana. Yes, sir. I appreciate that.

Mr. TRAXLER. And of course he says that is not pork.

Mr. BURTON of Indiana. I appreciate that.

Mr. TRAXLER. Yes.

Mr. BURTON of Indiana. Does the gentleman from Michigan [Mr. TRAXLER] believe that the people of his State ought to pay for things such as $1 million for a bicycle path in Michigan?

Mr. TRAXLER. The people that I represent have a concern over the future of America and believe that the Federal Government ought to direct its money into those programs that are going to build our people and our Nation.

Mr. BURTON of Indiana. Such as a million dollars for a bicycle path in Michigan?

Mr. TRAXLER. It is a heck of a lot better than sending money to Punjab, India.

Mr. BURTON of Indiana. There was no money sent to Punjab, India. Where is the gentleman getting that?

Mr. TRAXLER. Mr. Speaker, we are going to come back to that issue in a few minutes. I think we can help the gentleman.

Mr. BURTON of Indiana. I hope the gentleman from Michigan [Mr. TRAXLER] will.

Mr. TRAXLER. Yes, we certainly will, but I might add from my constituency that it is a heck of a lot better than the B-2 which costs $750 million a copy and will run out to almost $100 billion. Now that is not small change, and I say to the gentleman, "That's a waste."

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, did I understand the gentleman from Michigan [Mr. TRAXLER] correctly just a moment ago when he said that we do not have any enemies anymore? I thought he said that in his statement.

Mr. TRAXLER. I am sorry, I could not hear the gentleman.

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from Michigan indicated in his statement a few moments ago that we need to cut back dramatically in the military because we do not have any enemies anymore. In fact, I am almost sure that is a direct quote.

Mr. TRAXLER. I know this will come as a surprise to the gentleman from Indiana [Mr. BURTON], but the cold war is over.

Mr. BURTON of Indiana. Well, that clarifies it a little bit. We still have enemies like Saddam Hussein, and Mu'ammar Qadhafi and others who might cause problems in the world, or we might need some kind of a defense.

Mr. TRAXLER. I know in the gentleman's imagination these people cause a threat to 250 million Americans, one of the largest economic nations in the world; I am sure in his mind to justify the continuing waste in the military that he would forever find an enemy.

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

Mr. GREEN of New York. Mr. Speaker, I yield myself such time as I may consume only for the purpose of pointing out that this conference report being considered today is $1,289,390,000 below the administration's budget request for this Appropriations Subcommittee so that we know we have a very real deficit problem in this country. It is certainly not this appropriations bill that is causing it.

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

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, year in and year out the liberals in this body continue to make defense the whipping boy, and one can always find a weapons system with which they can take issue. I remember the gentleman, I believe, was one of those who was pointing out a few years ago that the M-1 tank was a white elephant. The M-1 tank turned out to be——

Mr. TRAXLER. No, the gentleman would not want to make a misstatement; would he?

Mr. BURTON of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. TRAXLER] for rebuttal.

Mr. TRAXLER. Yes, please, for the truth.

Mr. BURTON of Indiana. I believe the gentleman opposed that at the time, but I could be incorrect. But most or many of the people on the gentleman's side opposed the M-1 tank saying that the M-1 tank was a white elephant, it had to use too much gasoline, petrol, and there were all kinds of problems with it. Well, during Desert Storm the M-1 tank was one of the most effective weapons we had in our arsenal.

Now they beat on the defense of this Nation year in and year out, but we have to have a defense, and it is up to Dick Cheney, and the President of the United States and the experts, not the people who sit over here and speculate—the experts to decide which of the defense programs are best for this Nation.

□ 1340

They are making dramatic cuts in defense and dramatic cuts in personnel. The defense budget is going to be less than 20 percent of all total spending in the not-too-distant future, but they use defense as a whipping boy to mask their insatiable desire for pork barrel spending. There are 133 pork barrel projects in this amendment. Some of them are laudable projects, but they can be paid for by the local community or by the State. The Federal Government should not be paying for all the programs every Congressman comes up with for his district, and that is what happens.

There is an institutional problem that we have here, and that institutional problem is, if you want something for your district and you go along with the appropriations process and with the Appropriations Committee, you can get it done. There are 385 Members of this body who asked for 3,000 projects from 1 subcommittee, and when we propose amendments to try to cut spending, cut out a pork barrel project, when the Members come through the door, they ask what the vote is all about, I say that this will save $700 million on the aircraft carrier, U.S.S. *Kennedy*, or somebody will say it saves a million dollars on a bike path in Michigan, and somebody on the Appropriations Committee is standing right next to me saying, "We really need your vote against this. Don't you have a project that you want?"

The implication is, "If you don't go along, you don't get along" and "If you don't get along, you don't go along," and vice versa. The fact of the matter is that we have a $400 billion deficit staring us in the face right now, and that is a terrible legacy we are leaving our children.

The national debt has increased from $1 trillion to $4 trillion in the last 10 years. We are spending 18 to 20 percent of all the money the taxpayers pay in interest. That is taking away from important programs like housing and the underprivileged and education when we pay a bigger and bigger percentage of our total budget on interest, and that deficit we are creating, increasing every year, increasing the debt because of the deficit each year is taking a bigger chunk out of the tax dollars that can go for education and these projects, and we are mortgaging the future of the children of this Nation.

The gentleman nods his head, and he knows it, but we go right on hell bent for leather spending this money, coming up with pork barrel project after pork barrel project in every single appropriation bill that comes down the pike. Something has to be done about it.

I know I am not going to prevail on this amendment. I know I am going to lose, but the people of this country and the Members of this body need to know what is going on, and that is that spending is out of control, and adding more pork to these spending bills is not the solution. The solution is to get control of spending, and there is only one way to do that. That is for us to start prioritizing spending and cutting out projects that are not absolutely necessary.

I think the institutional problem we have with the appropriations process I am talking about can only be solved with a line-item veto, and I would commend to my colleagues that at some point in the future we ought to pass something like that so we can get control of this process.

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

Mr. TRAXLER. Mr. Speaker, may I inquire as to how much time I have left?

The SPEAKER pro tempore (Mr. TORRICELLI). The gentleman from Michigan [Mr. TRAXLER] yielded his time back to the Chair. The gentleman had 16 minutes remaining, and he yielded his time back.

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that my balance of time be restored.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. TRAXLER] that he be allowed to reclaim his time despite the fact that it was yielded back to the Chair?

There was no objection.

Mr. TRAXLER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. HEFNER], chairman of a subcommittee of the Committee on Appropriations.

Mr. HEFNER. Mr. Speaker, this is a very interesting debate. I did not know we were discussing defense. I am a strong supporter of national defense. I am chairman of the Subcommittee on Military Construction.

I do not know how many Members of this House come before our committee to ask for so-called pork barrel projects, but to me a Member who represents a district is obligated to get whatever largesse he can because his taxpayers pay into the Federal Government. They have paid for the deficit we are putting on our children, so if you get a project that helps your community or your State, then to me that is not pork. Pork is something that somebody else gets. If he gets it for you, it is a good, worthwhile project, and I know of many, many projects in this bill that are very, very good.

Let me raise a couple of points. The gentleman is exactly right. Spending is

a big problem, and the deficit is a big problem. Let me mention a couple of things, since we are talking about defense and foreign affairs and this type of thing. The President just went blithely ahead and said to Egypt, "Hey, we will forgive $7 billion." That is quite a little bundle. And also he said to some other people that we are going to lift restrictions and they can just ship their textiles and things in, which takes jobs from my particular district. And he said to the Turkish people, "Hey, we are going to lift restrictions. You can ship stuff in."

We also have fast track with Mexico, which is going to take some jobs from our people. We may need a little pork before this thing is all over.

There are some good projects in all these appropriation bills, and I would remind the gentleman of one other thing. Every subcommittee chairman has an allocation. He knows what he can spend, and I am not surprised that Members come to the Appropriations Committee and request projects. There are good projects. There are an awful lot of jobs made from these so-called pork barrel projects.

The gentleman talked about spending. The President just recently forgave some $2 billion of loans that were outstanding to countries all around the world. So we add the $7 billion we are forgiving for Egypt, the $7 billion loan and the $2 billion loan where they can get in under the fiscal year and where they can go and apply for some more money that we will help pay for, and we are talking about $10 billion that is gone like that, that does not buy one thing for one American citizen in this country. So to call these projects pork barrel is absolutely totally ridiculous.

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

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

Mr. CUNNINGHAM. Mr. Speaker, I thank my colleague for yielding.

When you talk about pork barrel and giving up $7 billion for Egypt and Turkey, one of the things in Desert Storm that saved lives was our ability to use our allies, and that is Turkey and Egypt. That saved lives. When you are talking about pork, we are talking about national interests. With your pork barrel projects, you are talking about local interests, and there is a big difference.

Mr. HEFNER. Mr. Speaker, I will reclaim my time.

I am glad the gentleman brought that up. I went to Saudi Arabia when the conflict came about. The Egyptians came and signed on with us, and they voted with us. That was the extent of the contribution from the Egyptian Government. They got $7 billion for voting with us and sending a few troops who never actually participated.

As far as the Turkish Government goes, we gave them concessions we do not even know about at this particular time. If you want to go on even further, if you want to raise this issue, back when we had the Persian Gulf and we were keeping the Persian Gulf open so the oil could flow through, if you remember, we were not even able to fuel our ships at the Saudi ports or the Kuwaiti ports. So if you want to talk about what is in the national interest, there are a lot of things involved here.

I am talking about doing things for the American people. I do not know about the gentleman's district. His people may not appreciate his getting projects for his district, and I say to the gentleman, if you do not want projects for your district, do not request projects for your district and we will not award them to your district if you do not want them, because we do not force people to take on any projects they do not want.

Mr. GREEN of New York. Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

□ 1350

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

Mr. Speaker, I just have a couple of questions. As I understand it, we are on amendment 35. Amendment 35 contains 133 projects.

Can anyone tell me how much these projects will cost in total? What is the total cost of these projects in this amendment?

Mr. GREEN of New York. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. GREEN of New York. Mr. Speaker, I am advised it is in the area of $150 million.

Mr. WALKER. One hundred fifty million dollars. I thank the gentleman. The only point that I want to make is that we do exact costs from society when we do these projects.

Mr. Speaker, it is fine for people to talk about the money going into their districts. I see, for instance, $50,000 going for a feasibility study on the creation of a business park in Wildwood, NJ. I spend time around Wildwood, NJ in the summertime. It is where I go to the beach. It is not necessarily a case where we could not find some other kind of money, rather than $50,000 from the taxpayers, to do a feasibility study. In fact, the tourists bring a lot of money into Wildwood, NJ, every summer.

Mr. Speaker, let me just suggest that there are costs that come out of this. If we are going to spend $150 million, that means that we are going to kill a total of about 5,000 jobs with that $150 million. Let me tell you how I get to that.

Each family in this country gets about $35,000 a year in income. If you take $150 million, that means that all of the family income of all of those 5,000 families is going to go to just pay the cost of this amendment.

Now, it is true some people will say there are jobs created here as well. I hope there are at least 5,000, because the fact is that we are killing 5,000 jobs somewhere on the premise that some of this is going to make it up.

That is the problem in this Congress. With our tax policies, with our spending policies, with our deficit policies, and all the rest of it, what we do day after day is kill off American jobs.

The gentleman from Michigan [Mr. TRAXLER] was quite eloquent a moment ago about the recession and the problems that people are facing out in the country. Yes, the reason why we have a recession and the reason why there are problems in the country is because there are not enough people working. We have to provide unemployment benefits because people are jobless.

What we need are more jobs, and the problem is that Congress is not in the job of creating business these days; it is in the job of killing business.

This one amendment will kill 5,000 jobs of American families. This one amendment is going to kill off jobs, and that is a shame. I think that we had better have a pretty good accounting for how many jobs might be created for the jobs that will surely be killed because this amendment is in this bill.

Mr. Speaker, I am not certain how much longer we can go down the road of creating deficits and killing jobs.

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

Mr. Speaker, I am a Member of this body that believes that now is the time to do a public works bill for America. What we need to be doing is precisely the things I recommended earlier on. This country ought to be looking after its own, and this country ought to be building those public facilities that are necessary to support a strong and viable nation.

Mr. Speaker, I urge people to visit our economic competitors. I would like you to go to Germany. I would like you to see their public buildings. I would like you to see their parks. I would like you to see the infrastructure that they support there, including their education and their health care systems.

They believe, as the Japanese do, that in order to be strong economically, you must be strong in health and education and the things that physically support a country: Good roads, good railroad systems, and good transport with airlines. They believe in public facilities and buildings. They have wonderful museums. They have grand, grand zoos.

We are spending our money, let me tell you, to defend them, to defend them while our infrastructure, human and physical, is deteriorating before our very eyes.

People oppose these kinds of public purpose projects, where people will be

put to work and will work in them after they are done. I must confess, I do not know if there are 5,000 or 20,000 jobs that will be created here, but I believe that is what our Nation is about and what we ought to do. I believe this with all of my heart and fervor that I can muster. If the Nation would disagree with me on that, I would not change, because in my heart of hearts, I know it is right.

Mr. Speaker, I oppose this recommendation. I urge us to get on with building America.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just rise to say in closing that the previous speaker, my good friend and gentleman from Michigan [Mr. TRAXLER], just made a case for public service jobs, the Government paying for jobs rather than the private sector, more Government largesse being spent to create jobs. The gentleman said that we should be looking after our own.

Well, I would submit to the gentleman, if you talk to most American taxpayers, they would think that it would be in their interest not to have their taxes go up any more. Last year, we had the second largest tax increase in history when we had the budget summit agreement, $137 billion taken out of the pockets of taxpayers.

That was supposed to reduce the deficit. The deficit has more than doubled, because that tax increase was one of the major factors in putting us into a recession and creating more unemployment. For each 1 percent of unemployment, it cost the taxpayers $42 billion.

So we have exacerbated the economic problems of this country by raising taxes last year. We should be looking after our own, and our own are the people who pay taxes in this country, not taking from somebody to give to somebody else when we do not have to.

Mr. Speaker, I think this is where we diverge. I think the more liberal Members of this body believe we ought to take from one segment of society to create jobs and give to others, where on this side of this aisle the more conservative Members believe we ought to stimulate the private sector to create jobs through free enterprise and not more Government regulation and control.

Let us get back to the case at point. The case at point now is we have got 133 pork barrel projects in this one amendment that is going to cost $150 million. We have got a $400 billion deficit and a $4 trillion national debt, which has quadrupled in just 10 years.

The legacy we are leaving our children is a very poor one, because they are going to have to pay these bills. They are going to have to pay the interest on the debt, which is about 18 to 20 percent a year now and going up.

We must get control of our appetite for spending. It should start here, and it should start now.

In addition to that, if we cannot get control of our appetite for spending, it is imperative that we give somebody some way to constrain these bodies, the House and the Senate. I would suggest the President needs and this country deserves a line item veto so we do not have all these pork barrel projects going through here lickety split, week after week.

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

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

Mr. Speaker, obviously for some people the glass is half full; for others it is half empty. Previous speakers in opposition to what the committee has done in designating this money for America have supported projects in the military budget wholeheartedly. In fact, I think it would be rare, we would be hard pressed to find one military expenditure they have opposed.

Mr. Speaker, let me give an illustration of waste. If the gentleman wants to talk about $150 million a year, remember that the B–1 bomber, that was the father of the B–2, the B–1 cost us billions and billions of dollars. Where was it during the gulf war, this new marvel of technology? Billions and billions of dollars? Where was it? Sitting on the ground. It was sitting on the ground, because it could not fly. It is unsafe.

The gentleman from Indiana [MR. BURTON] never raised an issue on that point. He is not disturbed by it. He does not get excited about it. Indeed, it is fair to say there are many in this body who never saw a defense dollar that they did not think ought to be doubled.

But when those of us who put domestic concerns and the people of America ahead of foreign concerns and being the policeman of the world and setting up pork barrel projects in the defense bill, when we rise to do something on health and education, on physical infrastructure, they say that is waste.

□ 1400

I say to them "Shame, shame on you for attempting to mislead the American public as to what your true intentions and purposes are. How can you possibly relegate this Nation to second rate in health, education, public facilities, and buildings? Why do you want to do that? Why do you place constantly overseas interests and foreigners ahead of the American public?"

I do not understand it and neither does the American public. And there will be a day of reckoning. I can assure my colleagues.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Boy, can you demagog an issue?

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

Mr. BURTON of Indiana. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, will the gentleman tell me, did he or did he not support the B–1?

Mr. BURTON of Indiana. Mr. Speaker, I did. I did.

Mr. TRAXLER. Mr. Speaker, if the gentleman will continue to yield, has he ever met a weapons system he did not love?

Mr. BURTON of Indiana. Mr. Speaker, I have.

Let me just end up that the issue at hand here is not the defense of this Nation, even though we are cutting the defense budget dramatically right now. The issue at hand is 133 projects in this amendment that are going to cost the taxpayers $150 billion, many of whom, most of whom could be taken care of at the State or local level and should be. These are pork-barrel projects, and the pork is getting out of control in this body. That is the problem.

The deficit is $400 billion. The gentleman has to realize that we are spending way more than we take in. We have to prioritize spending. So he can demagog this issue all he wants to on defense and everything else. The fact remains: pork, pork, pork, pork.

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

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

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

Again, beauty is in the eyes of the beholder. Let the gentleman and I be very clear about where we are on this. In his world, in his definition there can never be enough money for projects that most of us, many of us, consider to be an utter and total waste of taxpayer dollars. I will tell my colleagues the B–1 was a classic illustration. It could not get off the ground. Hundreds of billions of dollars squandered. Was anybody down in that well from the gentleman's side denouncing that? Not at all.

Did the gentleman ask where was the B–1 in the gulf war? Not at all. Does he believe that was a worthwhile expenditure of public funds? Absolutely.

Mr. Speaker, to the average American, it was pork, military, corporate pork. We do not like it, and I am going to tell my colleagues, if we want a strong Nation, build it on its people, not on weapons systems that do not work or, in the alternative, are unnecessary.

I urge my colleagues to support this Nation and its people and to support this subcommittee.

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

The SPEAKER pro tempore (Mr. TORRICELLI). All time having been yielded back, the Chair will remind the Members that the question is whether to support the motion offered by the

gentleman from Michigan [Mr. TRAXLER] that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment. An affirmative vote would support that position; a negative vote would oppose it.

The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 36: Page 23, strike out lines 5 to 16, and insert:

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, $7,024,589,000, to remain available until expended: *Provided*, That funds provided under this paragraph may not be obligated for a contract term that is less than five years: *Provided further*, That the Secretary may maintain consolidated accounting data for funds disbursed at the Public Housing Agency or Indian Housing Authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 36, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, $7,355,128,000, to remain available until expended: *Provided*, That funds provided under this paragraph may not be obligated for a contract term that is less than five years: *Provided further*, That the Secretary may maintain consolidated accounting data for funds disbursed at the Public Housing Agency or Indian Housing Authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts.

Further, for the forgoing purposes, $850,000,000, to become available for obligation on October 1, 1992, and to remain available for obligation until expended.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 37: Page 23, line 16, after "accounts" insert ": *Provided further*, That, for those projects in the State of Maine, the owners of which have converted their section 23 leased housing contracts (former section 23 of the Act, as added by section 103(a), Housing and Urban Development Act of 1965, Public Law 89-117, 79 Stat. 451, 455) to section 8, the subsidy provided for five-year project-based certificates (42 U.S.C. 1437f(b)).".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 37, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

For those projects in the State of Maine, the owners of which have converted their section 23 leased housing contracts (former section 23 of the Act, as amended by section 103(a), Housing and Urban Development Act of 1965, Public Law 89-117, 79 Stat. 451, 455) to section 8, the subsidy provided shall be for a five-year extension of such projects' current housing assistance payments contracts.

Mr. GREEN of New York (during the reading) Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 40: Page 24, line 22, after "$2,188,844,000" insert": *Provided*, That of the funds provided under this heading, $344,156,000 shall not become available for obligation until September 20, 1992".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 40, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That of the funds provided under this heading, $294,156,000 shall not become available for obligation until September 20, 1992".

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 58: Page 35, line 2, after "Administration" insert: ": *Provided*, That there shall be established, in the Office of the Secretary, an Office of Lead Based Paint Abatement and Poisoning Prevention to be headed by a career Senior Executive Service employee who shall be responsible for all lead-based paint abatement and poisoning prevention activities (including, but not limited to, research, abatement, training regulations and policy development): *Provided further*, That such office shall be allocated a staffing level of 20 staff years: *Provided further*, That a qualified industrial hygienist shall be designated for each Department of Housing and Urban Development field office administering assisted housing programs to oversee and coordinate lead paint abatement and poisoning prevention activities of that office: *Provided further*, That such appointments are to occur within 12 months of enactment of this Act for any office that serves any of the 25 largest public housing agencies and within 18 months for all other field offices of the Department".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 58, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That there shall be established, in the Office of the Secretary, an Office of Lead Based Paint Abatement and Poisoning Prevention to be headed by a career Senior Executive Service employee who shall be responsible for all lead-based paint abatement and poisoning prevention activities (including, but not limited to, research, abatement, training regulations and policy development): *Provided further*, That such office shall be allocated a staffing level of 20 staff years".

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [MR. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 67: Page 38, strike out all after line 21, over to and including line 7 on page 39.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 67, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Notwithstanding any other provision of law or other requirement, the city of Vallejo, California, is authorized to retain any land disposition proceeds or urban renewal grant funds that remain after the financial close-out of the Marina Vista Urban Renewal Project, and to use such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The city of Vallejo shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.

Notwithstanding any provision of law or other requirement, the Urban Renewal Authority of the City of Oklahoma City, in the State of Oklahoma, is authorized to retain any land disposition proceeds and other income from the financially closed-out Central Business District Number 1A Urban Renewal Project (OKLA. R-30) and John F. Kennedy Urban Renewal Project (OKLA. R-35) in accordance with the Close-out Agreements executed pursuant to 24 CFR 570.804(b)(5) October 16, 1979, and concurred in by the Secretary which agreements obligated such proceeds to completion of project activities in consideration for the reduction of an approved categorical settlement grant in satisfaction of the repayment requirements of 24 CFR 570.486. The Urban Renewal Authority of the City of Oklahoma City shall retain such proceeds and other income in a lump sum and shall be entitled to retain and use, subject only to the provisions of 24 CFR 570.504(b)(5), such past and future proceeds, including any interest, for the completion of such project activities.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [MR. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 70: Page 42, strike out all after line 10, over to and including line 13 on page 43.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 70, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following new subsection:

"(p) With respect to amounts available for obligation on or after October 1, 1991, the criteria established under section 213(d)(5)(B) of the Housing and Community Development Act of 1974 for any competition for assistance for new construction, acquisition, or acquisition and rehabilitation of public housing shall give preference to applications for housing to be located in a local market area that has an inadequate supply of housing available for use by very low-income families. The Secretary shall establish criteria for determining that the housing supply of a local market area is inadequate, which shall require—

(1)(A) information regarding housing market conditions showing that the supply of rental housing affordable by very low-income families is inadequate, taking into account vacancy rates in such housing and other market indicators; and

"(B) evidence that significant numbers of families in the local market area holding certificates and vouchers under section 8 are experiencing significant difficulty in leasing housing meeting program and family-size requirements; or

"(2) evidence that the proposed development would provide increased housing opportunities for minorities or address special housing needs.".

Section 14(k)(5)(A) of the Housing Act of 1937, as amended, is hereby amended as follows: by striking in the first sentence thereof the word "initial"; in subsection (i) thereof by substituting the phrase "for each of the preceding three fiscal years" for the phrase "for each of fiscal years of 1989, 1990 and 1991"; adding a new subsection (iii) which provides: "(iii) In determining whether an agency is 'troubled with respect to the modernization program', the Department shall consider only the agency's ability to carry out that program effectively based upon the agency's capacity to accomplish the physical work: (a) with decent quality; (b) in a timely manner; (c) under competent contract administration; and (d) with adequate budget controls. No other criteria shall be applied in the determination."

Section 14(k)(5)(E) of said Act is repealed.

No appropriated funds may be used to implement the rule proposed in 56 Federal Register 45814, September 6, 1991 relating to "Low-income Public and Indian Housing—Vacancy Rule" or any revision thereof or any other rule related or similar thereto.

Section 6(j)(1) of the Housing Act of 1937, 42 U.S.C. 1437 d(j)(1), [section 502(a) of the National Affordable Housing Act] is amended as follows:

(1) by adding at the end of subparagraph (H) the following language: "which shall not exceed the seven factors in the statute, plus an additional five"; and

(2) by adding as subparagraph (I) the following:

(I) "The Secretary shall: (1) administer the system of evaluating public housing agencies flexibly to ensure that such agencies are not penalized as result of circumstances beyond their control; (2) reflect in the weights assigned to the various indicators the differences in the difficulty of managing individual projects that results from their physical condition and their neighborhood environment; and (3) determine a public housing agency's status as "troubled with respect to the program under section 14" based upon factors solely related to its ability to carry out that program.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 72: Page 43, after line 13, insert:

The Secretary of Housing and Urban Development shall transfer title to the repossessed property known as the Roosevelt Homes Project (No. 074-84006) located in Davenport, Iowa, to a nonprofit organization selected by the city of Davenport. Such property shall be used only for the provision of an integrated program of shelter and social services to the homeless, or for other nonprofit uses, for a period of not less than 20 years following the date of the transfer. Use of the transferred property before the expiration of the 20-year period following the date of the transfer for any purpose other than those described herein shall cause title to revert back to the Secretary of Housing and Urban Development.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 72, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

The Secretary of Housing and Urban Development shall transfer title to the repossessed property known as the Roosevelt Homes Project (No. 074-84006) located in Davenport, Iowa, to a nonprofit organization. Such property shall be used only for the provision of an integrated program of shelter and social services to the homeless, or for other nonprofit uses, for a period of not less than 20 years following the date of the transfer. Use of the transferred property before the expiration of the 20-year period following the date of the transfer for any purpose other than those described herein shall cause title to revert back to the Secretary of Housing and Urban Development. The nonprofit organization selected by the Department shall have the right to use or not use the section 8 certificates attached to the property.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 77: (77)Page 43, after line 13, insert:

Hereafter, the Secretary shall not approve additional nonprofit insurance entities until such standards have become final, nor shall the Secretary revoke the approval of any nonprofit insurance entity previously approved by the Department unless for cause and after a due process hearing.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 77, and concur therein with an amendment, as follows:

At the end of the matter inserted by said amendment, insert the following:

Hereafter, until the Department of Housing and Urban Development has adopted regulations specifying the nature and quality of insurance covering the potential personal injury liability exposure of public housing authorities and Indian housing authorities (and their contractors, including architectural and engineering services) as a result of testing and abatement of lead-based paint in federally subsidized public and Indian housing units, said authorities shall be permitted to purchase insurance for such risk, as an allowable expense against amounts available for capital improvements (modernization): *Provided*, That such insurance is competitively selected and that coverage provided under such policies, as certified by the authority, provides reasonable coverage for the risk of liability exposure, taking into consideration the potential liability concerns inherent in the testing and abatement of lead-based paint, and the managerial and quality assurance responsibilities associated with the conduct of such activities.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 79: Page 43, after line 13, insert:

The Secretary shall establish competitive procedures for the disbursement of the amounts made available under this Act for a scientifically-based risk assessment of lead in public and Indian housing. Such procedures shall not require that applications for financial assistance for the risk assessment of lead be made in connection with the provision of other assistance under section 14 of the United States Housing Act of 1937.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 79, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

Section 14(a) of the Housing Act of 1937, as amended (42 U.S.C. 14371(a)), is amended by:

(1) striking "and" at the end of clause "(1)";

(2) adding clauses (3), (4), and (5) as follows:

"(3) to assess the risks of lead-based paint poisoning through the use of professional risk assessments that include dust and soil sampling and laboratory analysis in all projects constructed before 1980 that are, or will be, occupied by families;

"(4) to take effective interim measures to reduce and contain the risks of lead-based paint poisoning recommended in such professional risk assessments;

"(5) the costs of testing, interim containment, professional risk assessments and abatement of lead are eligible modernization expenses. The costs of professional risk assessment are eligible modernization expenses whether or not they are incurred in connection with insurance and costs for such assessments that were incurred or disbursed in fiscal year 1991 from other accounts shall be paid or reimbursed from modernization funds in fiscal year 1992."

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agree to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 95: Page 49, line 6, after "6949)" insert ": *Provided further*, That of the amount provided under this heading, up to $1,000,000 shall be available for the Chemical Safety and Hazard Investigation Board, as authorized by the Clean Air Act Amendments of 1990".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 95, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That of the amount provided under this heading, up to $1,000,000 shall be available for the Chemical Safety and Hazard Investigation Board, as authorized by the Clean Air Act Amendments of 1990 and up to the sum of $17,000,000 shall be for subsidizing loans under the Asbestos School Hazard Abatement Act, and $2,400,000 shall be for administrative expenses to carry out the loan and grant program".

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 107: Page 51, line 18, strike out "$1,783,500,000" and insert: "$2,383,500,000".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 107, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$1,948,500,000".

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 111: Page 51, strike out all after line 23 over to and including "indicated" in line 2 on page 52.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of

the Senate numbered 111, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: "$340,000,000 shall be for making grants under title II of the Federal Water Pollution Control Act, as amended, to the appropriate instrumentality for the purpose of constructing secondary sewage treatment facilities to serve the following localities, and in the amounts indicated:"

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 112: Page 52, lines 2 and 3, strike out "Boston, Massachusetts, $100,000,000;".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 112, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: "Back River Wastewater Treatment Plant, Maryland, $40,000,000; Boston, Masachusetts, $100,000,000;".

Mr. GREEN OF New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 119: Page 52, line 16, strike out all after "Flows" over to and including "ments" in line 19 on page 53.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 119, and concur therein with an amendment, as follows:

In lieu of the matter striken by said amendment, insert the following: ": *Provided further*, That the U.S. Environmental Protection Agency shall not prohibit the Massachusetts Water Resources Authority (MWRA) from utilizing the most appropriate technology for the treatment, disposal, and or beneficial re-use of sludge, unsold fertilizer pellets, and grit and screenings outside the Commonwealth of Massachusetts through lease, contract, or by other legal means. The EPA may require sufficient backup capacity for the disposal or treatment of sludge in the Commonwealth through ownership, lease, contract, or by other legal means. The MWRA shall not be required to construct a backup landful or facility if other alternatives approved through EPA NEPA review of MWRA long-term residuals management, are or become available through ownership, lease, contract, or other legal means prior to September 1, 1992, and as long as such alternatives remain available. Any facility or technology used by the MWRA shall meet all applicable federal and state environmental requirements. Any facility or technology must be on-line when a contract between the MWRA and NEFCO, which is responsible for the marketing and disposal of sludge, expires in 1995".

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 121: Page 53, strike out all after line 20 over to and including line 7 on page 54, and insert:

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Environmental Protection Agency shall not exceed: (1) 72 workyears for the Immediate Office of the Administrator, (2) 50 workyears for the Office of Congressional and Legislative Affairs, (3) 77 workyears for the Office of Communications and Public Affairs, (4) 187 workyears for the Office of General Counsel, (5) 32 workyears for the Office of Federal Activities, (6) 259 workyears for the Office of Policy, Planning, and Evaluation, and (7) 1,386 workyears for the Office of Administration and Resources Management.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 121, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Environmental Protection Agency shall not exceed: (1) 51 workyears for the Immediate Office of the Administrator, (2) 45 workyears for the Office of Congressional and Legislative Affairs, (3) 77 workyears for the Office of Communications and Public Affairs, (4) 187 workyears for the Office of General Counsel, (5) 61 workyears for the Office of International Activities, (6) 32 workyears for the Office of Federal Activities, (7) 259 workyears for the Office of Policy, Planning, and Evaluation, and (8) 1,386 workyears for the Office of Administration and Resources Management.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 122: Page 54, after line 7, insert:

The Administrator of the Environmental Protection Agency shall move, within sixty days of enactment of this Act, the pollution prevention activities and workyears associated with the Office of Pollution Prevention from the Office of Policy, Planning, and Evaluation to the Office of the Administrator.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 122, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

The Administrator shall establish, within 60 days of enactment of this Act, a new staff of 5 workyears within the Immediate Office of the Administrator, which shall be responsible for guiding, directing, and mediating all policy activities associated with Pollution Prevention. The Pollution Prevention Policy Council shall be chaired by the Deputy Administrator.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 131: Page 57, line 15, after "$277,827,000", insert:[1] ", notwithstanding section 201 of Public Law 100-707, including $1,155,000 to install new sirens in Kansas with a twenty-five percent local match in towns under 5,000 and a fifty percent local match in towns over 5,000".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 131, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 133: Page 60, line 5, after "$2,103,000" insert ": *Provided*, That the appropriations, revenues, and collections deposited into the fund shall be available for necessary expenses of United States Office of Consumer Affairs activities in the aggregate amount of $3,203,000. Administrative expenses of the United States Office of Consumer Affairs in fiscal year 1992 shall not exceed $1,100,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1992 in excess of $3,203,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 133, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following ": *Provided*, That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1992, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and education materials; may expend up to $1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriation Acts".

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 146: Page 65, after line 9 insert:

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the National Aeronautics and Space Administration shall not exceed: (1) 50 staff years for the Office of the Administrator; (2) 201 staff years for the Headquarters Operations; (3) 50 staff years for the Office of Commercial Programs; (4) 42 staff years for the Office of General Counsel; (5) 195 staff years for Agency Management; (6) 82 staff years for the Office of External Relations; (7) 33 staff years for the Office of Legislative Affairs; (8) 259 staff years for the Office of Space Science and Applications; (9) 160 staff years for the Office of Aeronautics, Explorations, and Space Technology; (10) 272 staff years for the Office of Space Flight, including Level I activity for the Space Station; (11) 62 staff years for the Office of Space Operations: *Provided*, That no funds may be used from amounts provided in this or any other Act for details of employees from any organization in the National Aeronautics and Space Administration to any organization included under the budget activity "Research and Program Management".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 146, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the National Aeronautics and Space Administration shall not exceed: (1) 51 staff years for the Office of the Administrator; (2) 117 staff years for the Office of the Comptroller; (3) 56 staff years for the Office of Commercial Programs; (4) 191 staff years for the Office of Headquarters Operations; (5) 30 staff years for the Office of Equal Opportunity Programs; (6) 43 staff years for the Office of the General Counsel; (7) 132 staff years for the Office of Procurement; (8) 4 staff years for the Office of Small and Disadvantaged Business Utilization; (9) 33 staff years for the Office of Legislative Affairs; (10) 520 staff years for the Office of Space Flight, including Level I and Level II Activities for the Space Station; (11) 210 staff years for the Office of Management; (12) 62 staff years for the Office of Space Operations; (13) 64 staff years for the Office of Public Affairs; (14) 183 staff years for the Office of Safety and Mission Quality; (15) 172 staff years for the Office of Aeronautics, Exploration and Technology; (16) 288 staff years for the Office of Space Science and Applications; and (17) 77 staff years for the Office of External Relations: *Provided*, That the Administrator may reorganize these offices and reallocate the staff years among these offices as long as the aggregate number of staff years at NASA Headquarters does not exceed 2,220 staff years: *Provided further*, That no funds may be used from amounts provided in this or any other Act for details of employees from any organization in the National Aeronautics and Space Administration to any organization included under the budget activity "Research and Program Management," except those details which involve developmental or critical staffing assignments: *Provided further*, That, of the amount provided for "Research and Program Management," up to $675,722,000 may be transferred to "Research and Development" and "Space Flight, Control and Data Communications," and of this amount such sums as may be necessary are provided for the lease, hire, maintenance and operation of mission management aircraft: *Provided further*, That the funds made available in the preceding proviso may only be used for the purpose of operations of facilities: *Provided further*, That, notwithstanding any provision of this or any other Act, not to exceed an additional $100,000,000 may be transferred or otherwise made available, using existing or future authority, to the National Aeronautics and Space Administration in fiscal year 1992 from any funds appropriated to the Department of Defense and such funds may only be provided to the "Space flight, control and data communications" appropriation: *Provided further*, That the limitation in the immediately preceding proviso shall not apply to funds transferred or otherwise made available under existing reimbursement arrangements.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 150: Page 66, line 9, strike out "$1,960,500,000" and insert: "$1,926,000,000".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 150, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$1,879,000,000".

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 151: Page 66, strike out all after line 20, over to and including line 3 on page 67, and insert:

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For necessary expenses in carrying out an academic research facilities and instrumentation program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $46,000,000, to remain available until September 30, 1993.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 151, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For necessary expenses in carrying out an academic research facilities and instrumentation program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $33,000,000, to remain available until September 30, 1993.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 156: Page 68, line 9, after "appropriation" insert: ": *Provided further*, That up to $9,000,000 may be transferred to and merged with funds made available under 'United States Antarctic Research Activities'."

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 156, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That up to $9,000,000 may be transferred to and merged with funds made available under 'United States Antarctic Research Activities': *Provided further*, That notwithstanding section 104 of the National Science Foundation Authorization Act of 1988 (Public Law 100–570), no funds appropriated to the National Science Foundation under this Act may be transferred among appropriations accounts."

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 162: Page 69, line 24, after "$26,900,000" insert: ": *Provided*, That of the new budget authority provided herein, $10,000,000 shall be for the purpose of providing local neighborhood revitalization organizations revolving homeownership lending capital, and equity capital for affordable lower-income rental and mutual housing association projects, to remain available until September 30, 1996: *Provided further*, That the $10,000,000 shall be available for obligation to Neighborhood Reinvestment Corporation in quarterly payments of $625,000 beginning with September 1 of fiscal year 1992".

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 162, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

": *Provided*, That of the new budget authority provided herein, $5,000,000 shall be for the purpose of providing local neighborhood revitalization organizations revolving homeownership lending capital, and equity capital for affordable lower-income rental and mutual housing association projects, to remain available until September 30, 1994: *Provided further*, That the $5,000,000 shall be available for obligation to Neighborhood Reinvestment Corporation in quarterly payments of $625,000 beginning with September 1 of fiscal year 1992".

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 164: Page 72, after line 5, insert:

The Office of Inspector General of the Resolution Trust Corporation shall review by September 30, 1993, each of the agreements described in section 21A(b)(11)(B) of the Federal Home Loan Bank Act and determine whether there is any legal basis sufficient for rescission of the agreement, including but not limited to, fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for rescission of the agreement. After such review has been completed, and based upon the information available to the Inspector General, the Inspector General shall certify its findings to the Resolution Trust Corporation and to the Congress.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 164, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

The Office of Inspector General of the Resolution Trust Corporation shall review by September 30, 1993, each of the agreements described in section 21(A)(b)(11)(B) of the Federal Home Loan Bank Act and determine whether there is any legal basis sufficient for a rescission of the agreement, including but not limited to, fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for rescission of the agreement. After such review has been completed, and based upon the information available to the Inspector General, the Inspector General shall certify its findings to the Resolution Trust Corporation and to the Congress: *Provided*, That any agreement which has been renegotiated and certified pursuant to section 518(b) of this Act may be excluded from further review under this provision based upon a review by the Inspector General of the appropriate evidence, and a determination that the government has achieved significant and substantial savings as a result of the renegotiation: *Provided further*, That the Inspector General report the basis for the exclusion in writing to Congress prior to any exclusion of further review under this provision.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 168: Page 81, after line 6, insert:

SEC. 520. Notwithstanding any other provision of law—

(a) prices for drugs and biologicals paid by the Department of Veterans Affairs and prices for drugs and biologicals on contracts administered by the Department of Veterans Affairs, shall not be used to calculate Medicaid rebates paid by drug and biological manufacturers; and

(b) the Secretary of Veterans Affairs shall attempt to negotiate new contracts, or renegotiate current contracts, for drugs and biologicals, including those contracts for drugs and biologicals utilized or administered by the Department of Veterans Affairs which are listed in Federal Supply Classification (FSC) Group 65 of the Federal Supply Schedule, with the view toward achieving a price comparable to, or lower than, the price charged the Department of Veterans Affairs by the manufacturer on September 1, 1990, increased by the fiscal year 1991 medical consumer price index, as determined by the Secretary; and

(c) the Secretary shall provide a report by June 30, 1992, to the House and Senate Veterans' Affairs Committees, the House and Senate Appropriations Committees, the House Energy and Commerce Committee and the Senate Finance Committee, on the percentage of price increase to the Department from September 1, 1990, to a date 60 days prior to the date of the report, for each drug and biological listed in FSC Group 65.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 168, and concur therein with an amendment, as follows:

At the end of the matter proposed by said amendment, insert the following:

(d) The provisions of this section shall be effective until (1) enactment into law of legislation concerning the price of drugs and biologicals paid by the Department of Veterans Affairs or (2) June 30, 1992, whichever first occurs.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 172: Page 81, after line 6, insert:

SEC. 524. Notwithstanding any provision of this Act, none of the funds appropriated or otherwise made available by the Act or by any other act may be used to move Federal Housing and Urban Development offices from downtown Jacksonville, Florida, (as defined by the Downtown Development Authority of Jacksonville) or to finance the operation of Federal Housing and Urban Development offices in any area of Jacksonville, Florida, other than the downtown area (as defined by the Downtown Development Authority of Jacksonville).

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate Numbered 172, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 521. Notwithstanding any provision of this Act, none of the funds appropriated or otherwise made available by this Act or by any other Act may be used to move Federal Housing and Urban Development offices from downtown Jacksonville, Florida, (as defined by the Downtown Development Authority of Jacksonville) or to finance the operation of such Federal Housing and Urban Development offices in any area of Florida other than the downtown area of Jacksonville, Florida (as defined by the Downtown Development Authority of Jacksonville).

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 174: Page 81, after line 6, insert:

SEC. 526. ESTABLISHMENT OF REGIONAL OFFICE.—The Administrator of the Environmental Protection Agency shall establish within the Environmental Protection Agency an eleventh region, which will be comprised solely of the State of Alaska, and a regional office located therein.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 174, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 526. ESTABLISHMENT OF REGIONAL OFFICE.—The President may establish within the Environmental Protection Agency an eleventh region, which will be comprised solely of the State of Alaska, and a regional office located therein.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 175:

SEC. 527. EXTENSION OF PERIOD APPLICABLE TO SINGLE FAMILY HOUSING.—(a) IN GENERAL.—Section 21A(c)(2)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(2)(B)) is amended by striking "3-month" each place it appears and inserting "5-month".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to eligible single family properties acquired by the Resolution Trust Corporation on or after the date of enactment of this Act.

MOTION OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAXLER moves that the House recede from its disagreement to the amendment of the Senate numbered 175, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 527. EXTENSION OF PERIOD APPLICABLE TO SINGLE FAMILY HOUSING.—(a) IN GENERAL.—Section 21A(c)(2)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(2)(B)) is amended by striking "3-month" each place it appears and inserting "3-month and one week".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to eligible single family properties acquired by the Resolution Trust Corporation on or after the date of enactment of this Act.

Mr. GREEN of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 2519 as well as the Senate amendments reported in disagreement, and that I may include tables, charts, and other extraneous material.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3039, DEFENSE PRODUCTION ACT AMENDMENTS OF 1991

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 231 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 231

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3039) to reauthorize the Defense Production Act of 1950, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by title instead of by section, and each title shall be considered as having been read. In lieu of the amendments recommended by the Committee on Armed Services now printed in the bill, it shall be in order to consider amendments en bloc printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Gonzalez of Texas or his designee. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 3039, it shall be in order to take from the Speaker's table the bill S. 347 and to consider said bill in the bill in the House. It shall then be in order to move to strike out after all the enacting clause of said Senate bill and to insert in lieu thereof the provisions of H.R. 3039 as passed by the House. It shall then be in order to move that the House insist on its amendment to S. 347 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 231 is the rule providing for consideration of H.R. 3039, the Defense Production Act Amendments of 1991.

This is an open rule providing 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs.

The rule makes in order the Banking Committee amendment in the nature of a substitute now printed in the bill as an original bill for purpose of amendment. That substitute will be considered by title, instead of by section, and each title will be considered as having been read.

In addition, the rule provides that, in lieu of amendments reported by the Armed Services Committee when it considered H.R. 3039, it will be in order to consider amendments en bloc, printed in the report to accompany the rule, if offered by Representative GONZALEZ or his designee. The en bloc amendment reflects compromises on provisions negotiated by several committees. The rule also provides one motion to recommit with or without instructions.

Finally, Mr. Speaker, the rule makes it in order to take S. 347, the Senate version of the Defense Production Act reauthorization, from the Speaker's table and consider it in the House; to move to strike all after the enacting clause; and to substitute the text of the House-passed H.R. 3039.

Further, it will be in order to move to insist on the House amendment and request a conference with the Senate on this legislation.

Mr. Speaker, H.R. 3039 extends the Defense Production Act of 1950 for 3 years. The primary purpose of the act is to ensure that the United States maintains an industrial capacity sufficient to manufacture and supply products which are essential for our Nation's defense. The act enables the Government to mandate that commercial companies give priority to Government for weapons and military equipment.

Mr. Speaker, to repeat, House Resolution 231 is an open rule. I urge the adoption of the resolution so that we may proceed to the consideration of H.R. 3039.

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

Mr. Speaker, I rise in support of House Resolution 231 which provides for the consideration of H.R. 3039, the Defense Production Act Amendments of 1991.

As the gentleman from California has just said, this is an open rule and I urge its adoption.

I also want to congratulate the chairman of the full Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ]; and the ranking minority member, the gentleman from Ohio [Mr. WYLIE]; as well as the chairman of the Economic Stabilization Subcommittee, the gentleman from Delaware [Mr. CARPER]; and our ranking member, the gentleman from Pennsylvania [Mr. RIDGE], for their outstanding work in bringing this legislation to the floor.

Previous efforts to reauthorize the Defense Production Act have been stymied by major controversies involving attempts to remake the legislation into an industrial policy program. Although a clean 3-year reauthorization would be preferable, H.R. 3039 is about as close as we can get to that, and that is a credit to the leadership of the gentleman from Texas [Mr. GONZALEZ], the gentleman from Ohio [Mr. WYLIE], the gentleman from Delaware [Mr. CARPER], and the gentleman from Pennsylvania [Mr. RIDGE].

Mr. Speaker, I want to stress how important it is that we move to reauthorize the Defense Production Act. It is the Government's primary source of authority for maintaining our defense industrial mobilization during a crisis.

□ 1420

The DPA gives the Departments of Defense and Commerce, FEMA, and others the authority for mobilization responsibility such as keeping production on schedule and monitoring industrial resources.

It is estimated that the Department of Defense utilizes the authority of the Defense Production Act about 350 times a year during peacetime. Congress allowed that authority to lapse during a 10-month period during Operation Desert Shield and Desert Storm. Although the President was able to utilize other constitutional powers to meet our mobilization needs, that process could have been much more difficult had the crisis been more serious.

Mr. Speaker, the Defense Production Act helps to ensure that our Armed Forces are well-equipped and well-prepared during a time of crisis. For this reason, I urge adoption of both House Resolution 231 and H.R. 3039.

Mr. Speaker, I am including for the RECORD a copy of the statement of administration policy in this matter.

STATEMENT OF ADMINISTRATION POLICY

The Administration opposes H.R. 3039 and urges the House to enact a simple extension of the existing authorities of the Defense Production Act of 1950 (DPA) until September 30, 1994, in lieu of H.R. 3039.

Specifically, the Administration opposes the following provisions of H.R. 3039:

Section 111, which would include the Secretary of Commerce and the Administrator of the Small Business Administration in determining which contractor may receive loans, loan guarantees, and purchase agreements for defense contracts. The Secretary of Defense can best determine which contractors should receive such assistance.

Section 122, which would establish a cap of $400 million for the Defense Production Act Fund. The $400 million cap is excessive; a $250 million cap has long been recognized as sufficient.

Section 123, which would statutorily establish a policy concerning "offset" arrangements in military exports. (U.S. exporters may enter into reciprocal agreements to purchase certain goods and services from or provide other services for the country purchasing U.S. military goods and services, thereby "offsetting" the cost of the original export.) The section would also mandate specific diplomatic initiatives to reduce the effects of offsets. These requirements would inadvisably restrict Federal policy and interfere with the President's exercise of his constitutional authority to conduct foreign affairs.

Section 124, which would require (1) U.S. industry to report immediately offset agreements with foreign entities and (2) the Secretary of Commerce, rather than the President, to prepare an annual offset report for Congress. Section 124 would also require the Secretary to disclose alternative findings or recommendations, made within the government, on offsets. The real-time reporting by U.S. industry would be burdensome and unnecessary. A statutory requirement to disclose internal Executive branch findings and recommendations would infringe upon the President's constitutional authority to maintain the confidentiality of Executive branch deliberations.

Section 126, which would require the utilization of certain materials in existing and future weapon systems. This requirement may require the redesign of, or lowered specifications for, existing or future weapon systems to accommodate these materials. This would raise the costs and lower the performance of the weapon systems or make weapon systems procurement and support more vulnerable to particular suppliers.

Section 134, which would require the establishment and maintenance of a defense industrial base information system. Such an information system would be an enormous undertaking and impose a considerable reporting burden on the government and the companies involved.

Section 163, which would require a report on the review of the foreign acquisition of U.S. companies involved in critical technologies that would be burdensome and of questionable value.

Sections 201 and 202, which would require the Department of Defense to consider providing full reimbursement of defense contractors' independent research and development/bid and proposal costs. Such reimbursement would unnecessarily increase Defense Department contract costs by up to $1 billion annually by 1996.

Section 211, which would amend the Code of Federal Regulations to specify the circumstances under which a contractor may be suspended or debarred. Such an amendment would duplicate existing procedures and would result in a misplaced emphasis on violations rather than contractor responsibilities.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE IN SUPPORT OF DEMOCRACY IN HAITI

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 235) expressing the sense of the House of Representatives in support of democracy in Haiti, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object. I do so to afford our chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], the opportunity to explain this resolution.

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

Mr. BROOMFIELD. Further reserving the right to object, I yield to the gentleman from Florida.

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

Mr. Speaker, this resolution expresses the sense of outrage of this House at the Haitian Army's ouster of President Jean-Bertrand Aristide.

The resolution supports the policy of the United States as expressed by President Bush that we support fully the restoration of the democratically elected Government of President Aristide. It also backs the decision announced by the State Department that all aid to the Haitian Government be cut off. The resolution commends the Organization of American States for its prompt condemnation of the Haitian coup; calls on the Haitian military to respect the rights of its people; and finally calls on the international community to take all appropriate action to restore democratic government in Haiti.

Mr. Speaker, in a few hours the Foreign Ministers of the OAS will convene here in Washington to hear President Aristide. The OAS in June of this year adopted new policies for reacting to military coups. Its reaction to this coup is the first test of the new policy agreed to by the nations of this hemisphere. I am convinced that the OAS can play a critical role in bringing this seizure of power to an end. Speaking with one voice, the OAS membership will bring significant diplomatic pressure to bear on Haiti's junta.

Mr. Speaker, earlier this week we saluted the 2,500th anniversary of the birth of democracy in ancient Athens. Today we speak out in defense of a beleaguered people not far from our own shores. The principles of democracy have survived and flourished after 25 centuries. The day will come when we can say that they have come once and for all to Haiti.

Mr. Speaker, this action is prompted now because the OAS itself goes into session in just a short time. We felt it would be extremely important to reflect officially the position of the Congress of the United States, and that is what this resolution does.

Mr. Speaker, I would be delighted to change places with the chairman of the Subcommittee on the Western Hemisphere so that he could express himself on this resolution, and I think we ought to take time for him to make a statement on the matter.

I thank the gentleman from Michigan, the ranking Republican, for giving me the opportunity to explain this matter.

The SPEAKER pro tempore (Mr. TORRICELLI). If the distinguished gentleman from Michigan would permit the Chair, the Chair wants to thank the distinguished chairman. He has so well made the case in the Chair's stead while he is in the chair, and he thanks the gentleman.

Does the gentleman from Michigan [Mr. BROOMFIELD] continue to insist upon his reservation of objection?

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I would like to make a short statement.

Mr. Speaker, it is a sad day for our hemisphere. At a time when democracy is moving forward throughout the world, the dark cloud of tyranny has once again descended upon Haiti. I commend Chairman FASCELL for his leadership in bringing this issue promptly before the House of Representatives.

Last Sunday night, elements of the Haitian military overthrew the democratically elected President Aristide. Many were killed and hundreds were wounded. Haiti has now joined Cuba as one of the last outposts of dictatorship in the Americas.

It is important for the Congress to speak out against this military coup in the strongest possible terms. The Bush administration has also responded forcefully and has suspended all American assistance.

Just last week, President Aristide spoke at the United Nations about the

new horizons of democracy for a country that has suffered so much for so long. Unfortunately, the U.N. Security Council has refused to take up the coup in Haiti, despite the fact that the election of President Aristide was judged free and fair by an official U.N. delegation.

The response to the coup in Haiti is also an important test for the Organization of American States and its recently created mechanism to respond to antidemocratic actions in the hemisphere. The OAS did not react well to Noriega's 1989 rejection of democracy in Panama. It now has a chance to express concrete support for the restoration of constitutional government in Haiti.

I congratulate President Aristide for his continuing courage and commitment to democracy. I also urge my colleagues to support this resolution and join in the international chorus of opposition to this illegal action in Haiti.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Missouri [Mr. EMERSON

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

Mr. Speaker, I want to commend the Committee on Foreign Affairs on the prompt movement on this issue. I think it is most appropriate that you are bringing this resolution before us and that we are acting as we are.

The gentleman from Ohio [Mr. HALL], chairman of the Select Committee on Hunger, and the gentleman from Missouri [Mr. WHEAT], and I, as the ranking Republican on the Hunger Committee, went as the congressional delegation following the democratic elections in Haiti. We went there this spring and spent a great deal of time with President Aristide, members of the Chamber of Deputies, one member of which came to visit me yesterday, and we were very impressed with the tremendous stride that was being made there pro-democracy.

To see this reversion to doing things the old way down there is very disheartening, and the Haitians, President Aristide, need all of the moral support that we can give them at this time.

I want to commend the distinguished chairman and ranking member for their leadership in moving this issue so promptly to the House. It is important we speak as we do today.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. LAGOMARSINO], the ranking member on our Subcommittee on the Western Hemisphere.

Mr. LAGOMARSINO. Mr. Speaker, as an original cosponsor of this resolution condemning the overthrow of the democratically elected President of Haiti, I wish to commend the chairman of the Foreign Affairs Committee, DANTE FASCELL; ranking member BROOMFIELD; and Western Hemisphere Chairman TORRICELLI for their leadership in expediting consideration of this resolution. It is imperative this body go on the record immediately to condemn in the strongest possible terms the military coup which has deprived the Haitian people of their democratic government and their President, Jean Bertrand Aristide.

I also wish to commend the Bush administration for its prompt action in terminating all assistance to Haiti until democratic government is restored. Other nations who have cut off aid to Haiti, like France and Canada, deserve our praise for their support for restoring democracy to Haiti.

As affirmed by this resolution, the Organization of American States merits our commendation for taking before it today the ouster of President Aristide under the newly established mechanism to respond promptly to an interruption of a legitimately elected government.

The Haitian people, against great odds, had finally succeeded in securing for themselves a democratic government and the promise of protection of human rights and the prospects for more equitable economic development. They have had that promise brutally taken from them by a military force that ignores the will of the people and tramples on the spirit of democracy.

In the outrage that accompanies the Haitian military's defiance of justice, I want to make a special commendation in expressing to the Bush administration and our Ambassador Al Adams in Haiti the tremendous gratitude of the Congress in making clear to the leaders of the coup the necessity of sparing the life of President Aristide.

As we condemn the actions of the Haitian military, we must also give notice that we will join the OAS and other nations of the world in seeking the prompt and complete return of democratic government to Haiti.

I urge my colleagues to give their unanimous approval to the resolution.

□ 1430

Mr. BROOMFIELD. Mr. Speaker, under my reservation, finally I would like to thank the gentleman from Texas [Mr. GONZALEZ], the chairman of the Committee on Banking, Finance and Urban Affairs, for letting the gentleman from Florida [Mr. FASCELL] and I to move this bill so expeditiously.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. DYMALLY. Reserving the right to object, Mr. Speaker, and I shall not obviously object.

First, Mr. Speaker, I want to commend the chairman of the Committee on Foreign Affairs and the minority leader, the gentleman from Michigan [Mr. BROOMFIELD] for the expeditious manner in which they have brought this very important resolution to the House.

Freedom-loving people all over the world are shocked and outraged at the behavior of the military junta in Haiti. Just at a time when we were beginning to say that we have democratic governments in the Western Hemisphere—and certainly in the Caribbean—unprovoked, the military junta has again overthrown a democratic government.

I believe that the President was correct in taking this swift action and he must be commended for that.

I hope that the Organization of American States will proceed with some form of sanctions against this regime. It may be necessary to call upon the U.N. peacekeeping forces to protect the democratic rights of the people and to restore the President back to his rightful position.

Mr. Speaker, I join with my colleagues in condemning the junta and wishing very deeply that we could restore democratic government there by taking President Aristide back to Haiti to continue his democratic rule.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. WEISS. Further reserving the right to object, Mr. Speaker, and of course I, too, will not object.

I simply want to take this occasion to express my commendation and appreciation to our distinguished chairman, the gentleman from Florida [Mr. FASCELL] and to the distinguished minority leader of the committee, the gentleman from Michigan [Mr. BROOMFIELD], for their very quick and prompt action in bringing this resolution forward.

I also want to express my appreciation to President Bush and the Bush administration and Ambassador Adams, who from the very beginning reacted positively, expressing America's concern about the shunting aside and the overthrow of a hard-fought, hard-earned democracy, by the people of Haiti.

At a time in the world's history when peoples after peoples are overthrowing the yokes of oppression, for the military junta in Haiti not to be watching and learning from that, but instead to be reverting to the age-old brutality which has kept the people of Haiti in the worst kind of conditions in this hemisphere and perhaps in the world of any people is just really incredible and unbelievable.

I certainly urge the Organization of American States to take heed of the international reaction to this and do everything within their power to restore democracy to Haiti. That is the only real remedy to what has taken place.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for House Resolution 235, and I commend the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], as well as our distinguished ranking Republican member, the gentleman from Michigan [Mr. BROOMFIELD], for their outstanding and expeditious consideration and support of this measure.

The people of Haiti have long suffered under the brutal and arbitrary rule of dictatorship. In 1986, the Haitian people demonstrated incredible courage when they ousted then-President-for-life Claude Duvalier. In 1987 an overwhelming majority of Haitians declared themselves in support of democratic rule by approving a constitution, which established a legal framework for the election of a civilian government.

In 1987, the presidential election was canceled due to widespread violence in Haiti on the day of the election. On December 16, 1990, in a free and fair election Jean-Bertrain Aristide was elected president, by almost 70 percent of the vote

Mr. Speaker, with the democratization of Eastern Europe before us, I was willing to believe the way of the dictator was almost over—but on September 30, 1991, elements of the Armed Forces launched an attack against President Aristide and the people of Haiti, forcing the President to leave Haiti with the Haitian Government in the hands of a military junta.

I believe we must make it unequivocally clear that the United States supports President Aristide and his democratically elected government. Accordingly, I urge the President to cease all security assistance to the Haitian Government, until democracy is restored. We must also urge the OAS, as well as the international community at large to do everything possible to restore democracy to Haiti and respect for the human rights of its people. This measure makes the U.S. Congress' position clear on this matter and I strongly urge its adoption.

Mr. YATRON. Mr. Speaker, I rise in strong support of the resolution by the gentleman from Florida. I want to commend Chairman FASCELL for his outstanding and unsurpassed leadership over the years in promoting democracy and respect for human rights in Haiti. Let me also commend Mr. BROOMFIELD, Mr. TORRICELLI, Mr. LAGOMARSINO, and Mr. BEREUTER, for all their efforts in facilitating the consideration of this resolution.

This is an extremely timely and important resolution. It condemns the coup in Haiti, and calls for the restoration of the democratically elected government. It further urges that all United States assistance to Haiti remain suspended until democratic government is restored. It demands that the Haitian military respect human rights and calls on the international community and the OAS to work for the return of democracy in Haiti.

The Haitian people have long suffered under brutal and undemocratic regimes. Last year, a freely elected government ushered in a new era of promise and hope in Haiti. It is imperative that the coup constitute only a temporary setback, and that the United States do whatever it can to work toward the restoration of the elected government.

This resolution sends a powerful message not only to the Haitian military leaders, but also to the people of Haiti. The United States will continue to oppose oppression and military dictatorships and help the people of Haiti in their struggle for democracy, human rights, economic prosperity, and rule of law.

I urge my colleagues to support this measure.

Mr. COX of Illinois. Mr. Speaker, I rise today to speak in support of House Resolution 235, which addresses the recent tragedy in Haiti. I commend my colleagues on the Foreign Affairs Committee for their action, and am pleased to join as an original cosponsor to this resolution.

The morning papers brought us more news from Haiti—news of a continued coup characterized by patrolling military troops and random machinegun fire—news of young democracy in distress.

Last December, the citizens of Haiti cast their votes in the first free and fair election of their country's history. Jean-Bertrand Aristide became Haiti's first popularly elected leader. A history marred by poverty and political violence gave way to the hope and promise of democracy.

Today, less than a year later, President Aristide has been forced to flee the country, members of his government have been jailed, and more than 100 civilians have died. The hopes of democracy have been diminished by fears of violence and terror, fears all too familiar to the people of Haiti.

Today's resolution calls for a response from the United States and the international community to the illegal and intolerable actions of the coup leaders. We must make it clear that the consequences of these actions will be severe. We must work to ensure the restoration of democracy.

I urge the adoption of this important resolution.

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

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 235

Whereas the people of Haiti have long suffered under the brutal and arbitrary rule of dictatorship rather than the democratic rule of law;

Whereas in 1986 Haitians from all sectors of society showed great courage in joining together to oust President-For-Life Jean Claude Duvalier;

Whereas an overwhelming majority of Haitians have declared themselves in support of democratic rule by approving a constitution in 1987 establishing a legal framework for the election of a civilian government;

Whereas the 1987 presidential election was cancelled due to widespread violence on the day of election;

Whereas the Haitian people participated in a second, internationally supervised election on December 16, 1990, and elected President Jean-Bertrand Aristide by almost 70 percent of the vote in an election that was recognized by international observations as free, fair, and open;

Whereas elements of the military on September 30, 1991, launched an armed attack against President Aristide and the people of Haiti; and

Whereas President Aristide was forced to leave Haiti and a military junta has seized power: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the President should make clear that the United States supports the restoration of the democratically elected government of President Aristide;

(2) all United States assistance to the Haitian Government, economic and military, should remain suspended until democratic government is restored;

(3) the Haitian military should respect the human rights of the Haitian people;

(4) the Organization of American States should be commended for vigorously condemning the coup and for its Santiago commitment of June 1991 creating a new automatic mechanism to respond to the interruption of legitimate elected government; and

(5) the international community, particularly the Organization of American States, should take all appropriate action to restore democratic government in Haiti.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 231 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3039.

□ 1435

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3039) to reauthorize the Defense Production Act of 1950, and for other purposes, with Mr. MURTHA in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Delaware [Mr. CARPER] will be recognized for 30 minutes, and the gentleman from New York [Mr. PAXON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CARPER].

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

Mr. Chairman, it seems there are now three things we can depend on in life—death, taxes, and the need to extend the Defense Production Act. Legislation dealing with the Defense Production Act has become a common feature of our floor calendar, and with this bill,

we hope to put an end to those appearances—at least for the next 3 years.

Mr. Chairman and my colleagues, H.R. 3039 is the product of efforts over the past two Congresses to craft substantive reforms to the Defense Production Act. The original act—passed in 1950—was a reaction to concerns during the Korean war that this Nation's industrial capacity was unable to meet military needs, either in times of conflict or peace. The resulting act provided the means to ensure that the industrial capacity to meet defense needs could be developed and to ensure that defense contracts—in times of need—would take precedence over any commercial contracts a particular producer might have. The most important features of the current act are: First, the authority to prioritize defense contracts where the need exists; second, the mandate to provide financial assistance through loan and purchase guarantees to promote defense productive capacity, third, the ability to mobilize executive reserves from U.S. industry to assist the Nation in emergencies, and fourth, the responsibility—under the so-called Exon-Florio provisions—to review proposed foreign takeovers, mergers and acquisitions of domestic firms that could adversely affect the national security.

This legislation before us today has a long history. It is a reflection of a bill which passed the House last year, went to conference with the other body, was agreed to by House-Senate negotiators, and passed the House again—only to be delayed in the other body until the 101st Congress had expired. At one time or another, a number of House committees have been involved in the evolution of this bill, including the Banking, Energy and Commerce, Armed Services, Government Operations, the Judiciary, and Ways and Means Committees. If I have forgotten anyone, my sincerest apologies. The implication is that this bill reflects the interests and efforts of many Members and committees of the House, and is a better bill for those contributions. In fact, at the appropriate time, I will offer an en bloc amendment making changes to improve the bill as suggested by many of those committees.

H.R. 3039 will begin to move the Defense Production Act into the modern, post cold-war era. Ironically, as our military posture is reduced, our need to maintain a vibrant defense production base which can respond quickly and effectively to potential conflicts will increase. To assist in meeting that challenge, this legislation makes several improvements to the act.

First, the bill would require the Secretary of Defense to identify critical components of weapon systems, to identify their suppliers, and to determine where vulnerabilities in the supply of those components exist—for example, sources located in unstable foreign countries, or sole sources in this country. When those vulnerabilities are identified, the bill requires that a reliable source be found or created. Furthermore, the bill requires the development of an information base capable of highlighting foreign sources and production vulnerabilities to assist in meeting the mandate to rectify identified weaknesses in the production base.

To assist in the development of domestic production capability, H.R. 3039 would increase the authorization of title III assistance programs to $200 million per year. These funds can be used to provide loans and purchase guarantees necessary to support expanded production capability for critical materials and other items.

The bill would also modify language in title III to enhance the ability of title III assistance programs to encourage the development of dual-use industrial resources and technology items which might be useful in both the defense and commercial sectors. By allowing this civil-military integration, the bill would improve U.S. competitiveness by permitting a more efficient use of domestic industrial resources.

H.R. 3039 also states congressional policy that the Federal Government not be in the business of promoting the use of offset arrangements on export sales of military goods to foreign nations. And the bill requires the Commerce Department to prepare annual reports analyzing the impact of offset agreements on the U.S. defense industrial base.

And finally, H.R. 3039 establishes a congressional commission to review whether agency policies are consistent with our goal of maintaining a strong domestic production base, and to recommend to Congress what changes need to be made.

Mr. Chairman, with the assistance of many of our colleagues in the House and administration officials, we have been able to craft a sound bill to reauthorize and amend the Defense Production Act. I would particularly like to thank chairman GONZALEZ and his staff for their tremendous support in getting this legislation to the floor. Thanks also to Mr. WYLIE, ranking member of the Banking Committee for his assistance and constructive additions to the bill. And a special thanks to my colleagues and ranking member of the Economic Stabilization Subcommittee, Mr. RIDGE, whose leadership in the subcommittee and strong support for a competitive domestic production base are much appreciated. And to Ms. OAKAR, my predecessor on the subcommittee, many thanks for doing the hard part in paving the way for this bill.

Mr. Chairman, I commend this bill to the House and urge its adoption.

□ 1440

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

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

Mr. Chairman, this act is the principal statute for the development and maintenance of a defense industrial base capable of producing goods and services necessary for the national defense. This bill is the result of efforts going all the way back to the 100th Congress to reauthorize and update the act. I think this year we will succeed in passing the bill. The bill is solidly bipartisan, and I compliment Mr. CARPER and his aide, Mr. Tulou, for handling the bill in a commonsense, no nonsense manner.

Mr. Chairman, title I amendments will rectify many concerns about production base vulnerabilities, erosion of the production base, and the growing reliance on foreign producers. The bill requires the President to identify critical components, determine where vulnerabilities exist in the supply system, and rectify those vulnerabilities either by domestic sourcing or switching to a more reliable foreign producer. While previous versions of this legislation unecessarily restricted procurement of critical components to domestic producers only, this bill recognizes that allies and other countries are efficient and reliable producers, and should be allowed to help maintain our first-rate military capability.

This bill also increases the authorization of title III assistance programs to $200 million per year, funds that will provide loans and purchase guarantees needed to support expanded production capability for critical components. The bill modifies language to encourage the production of material that will have both military and civilian uses, ending wherever possible the artificial separation of use. The bill also emphasizes that this assistance be used for material that will remain economically viable long after the assistance has expired. It is our intent that scarce Federal resources be used as wisely as possible.

Our colleagues on the Armed Services Committee expressed reservations about parts of the bill that were in their jurisdiction. I am told now that their most pressing concerns have been negotiated in a satisfactory manner.

The administration has published a statement opposing the bill. Some of their concerns have also been addressed in the leadership amendment. I understand that the administration would like a clean DPA reauthorization; I must say, though, that the bill before us now is quite clean compared to last year's product—it really has come a long way. We have listened to the administration during the process and addressed their most fundamental points. The differences remaining are disagreements between honorable persons, and are not related to budgetary concerns.

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

Mr. CARPER. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I thank the chairman for yielding to me, and I rise briefly in support of this bill and fundamentally to point out three things.

First, the Defense Production Act was born in 1950 as a result of the Korean war and the Committee on Banking, Finance and Urban Affairs has exercised its jurisdiction very diligently throughout the years, the fundamental purpose being that there should be in our country a defense base to foment, encourage and stimulate those productions of materials that our defense efforts would necessitate.

The main, the important thing about this bill I can summarize by saying, one, the full committee approved it unanimously, so to speak, on July 30 of this year. The only difficulties that have stemmed in getting a permanent or semipermanent amendment to this act since the last Congress was the fact that the Senate appended nongermane amendments. I believe there was some reference to that made by the distinguished minority member of the subcommittee.

The other thing is that there is no budgetary impact from this bill. It is a pay-as-you-go. There is no budgetary impact at all. It is within the budget limitations and agreements.

The fact is that this would extend the act, and it represents a very, very diligent and careful, able leadership of the subcommittee chairman, the gentleman from Delaware [Mr. CARPER], and the ranking minority member of the subcommittee, the gentleman from Pennsylvania [Mr. RIDGE].

Mr. Chairman, I want to compliment them. It is certainly worthy of our support, my colleagues, and I urge that support.

Mr. Chairman, I want to finish by saying that I am very proud of the work of the subcommittee in this respect.

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

Mr. WEISS. Mr. Chairman, I very much appreciate the opportunity to speak to this legislation. Of course, I have no problem with the reauthorization. I simply take the time to indicate that although I will not be offering an amendment today, the Economic Conversion Act, that is, the Defense Economic Adjustment Act of 1991 is still pending and it is still alive and is under active consideration, and we will in fact be pursuing it.

Mr. Chairman, it is essential, I think, that at a time when the budget of the defense industry is being cut, the Defense Department is being cut back, and tens of thousands, if not hundreds of thousands of Americans who were persuaded, induced to work for the defense sector are being thrown out of work, that in fact the Federal Government undertake to make their plight bearable by providing them an opportunity to continue to use their talents and skills and facilities of the plants in which they worked and to continue to contribute to the rebuilding of America. That is really what the Defense Economic Adjustment Act that I have authored—and we have a great many cosponsors at this point—seeks to do.

Mr. Chairman, it is the second half to this piece of legislation, although it will, of necessity, have to be offered separately. But I think it is high time; there are places in my home State of New York, in Connecticut, Missouri, California, where huge areas are being hurt because of the layoffs. I just think that it is improper for the Congress and the administration not to take note of that.

Mr. CARPER. I thank the gentleman from New York for his comments.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman I rise in support of H.R. 3039, the Defense Production Act Amendments of 1991.

Mr. Chairman, this bill contains matters which also fall under the jurisdiction of the Committee on Energy and Commerce. These include a change to the so-called Exon-Florio amendment to the Defense Production Act having to do with reviews to determine the national security impact of foreign takeovers of American firms. In addition, this bill establishes an offset policy for the United States and requires the Secretary of Commerce to do an annual report on the impact of offset requirements imposed on American manufacturers that sell defense systems to foreign governments.

I want to add my support for the way the bill addresses these issues. Offsets, such as requirements that American manufacturers license their technology to foreign firms in order to sell defense systems abroad, can undermine the competitiveness of U.S. firms. By identifying the extent to which this practice is occurring, the bill will help our Government oppose this practice where it is inappropriate.

I also support the report the bill requires to be submitted to the Congress every 4 years under the authority of the Exon-Florio amendment. This report requires Treasury to identify coordinated strategies of foreign countries or companies to gain control of U.S. firms or industries that are involved in research, development or production of critical technologies for which the United States is a leading producer.

For example, it is no secret that Japanese firms have targeted the American electronics industry for heavy investment. In just the last 3 years since the Exon-Florio amendment was enacted, more than 80 American firms that provide equipment and materials for the semiconductor industry have been brought by foreign firms; more than 60 of these were bought by Japanese companies.

The dangers of foreign control of our country's leading technologies are becoming more and more obvious. Last week, the General Accounting Office issued a report in which they identified a large number of American companies that claim foreign suppliers have intentionally withheld state-of-the-art technology, putting these American companies at a serious competitive disadvantage compared to their foreign counterparts.

Mr. Chairman, I believe the bill we are considering will help thwart foreign efforts to dominate American high technology and American industry. I commend my colleagues on the Banking Committee for the work they have done. I look forward to working with them in the future on legislation to ensure that careful consideration under Exon-Florio is given to all foreign acquisitions involving critical American technologies.

□ 1450

Mr. CARPER. Mr. Chairman, I thank the gentlewoman from Illinois [Mrs. COLLINS] for her remarks. Let me just say, as she suggested, the Committee on Energy and Commerce has a keen interest in her subcommittee, and a particularly keen interest in some of the provisions she has just discussed, particularly as they related to the acquisition by foreign firms of American companies as it may relate to our national security, and we appreciate very much the chance of work with her in the context of this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, let me thank the gentleman from Delaware specifically for the support he has given toward the full working cooperation that we have had together on this, and again we are deeply grateful for it.

Mr. CARPER. I suggest we do it again in 3 years from now. I am not sure we will both be here.

Mrs. COLLINS of Illinois. Let us hope so.

Mr. CARPER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MAVROULES] with whom we have worked diligently to try to address these concerns.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Delaware [Mr. CARPER], and I will be very, very brief.

There were about four or five areas of disagreement. We were able to work it out with the Committee on Banking, Finance and Urban Affairs. I do want

to take this opportunity to commend and thank the chairman, the gentleman from Texas [Mr. GONZALEZ], the gentleman from Delaware [Mr. CARPER], and also the gentleman from Minnesota [Mr. VENTO] who cooperated right before the ballgame on Monday evening. We were able to work out an agreement.

Just very briefly, the five areas that we had a concern, that being the Committee on Armed Services, dealt with the best value methodology, the federally funded research and development centers, the offset policies, the FAR amendments and the defense management review. I am delighted to report that we have reached agreement with the Committee on Banking, Finance and Urban Affairs. In my prepared statement, Mr. Chairman, I am a little critical with regard to the turf that I am trying to protect for the Committee on Armed Services, but we will submit that for the RECORD.

I do want to make my position very clear, however, on probably one of the amendments that might be offered, and I think I can speak for the Committee on Armed Services, and I am sure my colleague, the gentleman from South Carolina [Mr. SPENCE], will support me, that, if indeed the gentleman from North Dakota [Mr. DORGAN] were to offer the second amendment requiring that in the industrial base policy commission created by the bill's study the extent to which the geographical dispersement with defense industrial base, and so on, and so on, and so on; if that is offered, then I would stand in opposition to that at the proper time.

Let me thank the Committee on Banking, Finance and Urban Affairs for a job well done. I thank them for their cooperation, and hopefully we can get on with our work.

Mr. Chairman, I rise representing the Committee on Armed Services and in support of an amendment to the bill reported by the Committee on Armed Services. The amendment would amend several sections of the bill as reported by the Banking Committee.

Mr. Chairman, earlier this year the House Committee on Armed Services sought sequential referral of the Defense Production Act. We received sequential referral on Friday, September 20. But we were only given until the next Wednesday to act on this legislation. That's 5 days—2 of which were weekend days.

This forced the committee to deal with the bill very quickly—too quickly. We had no time for hearings or subcommittee consideration. We moved straight to the full committee.

At the same time we opened negotiations with the Banking Committee. Mr. Chairman, personally I find about a dozen provisions of the Banking Committee bill objectionable. I whittled that down to the five most objectionable segments and took those to the Banking Committee. My colleagues on the Armed Services Committee gave me unanimous support in this approach. I am happy to report that the Armed Services Committee and the Banking Committee were able to work this out amicably. The Banking Committee has agreed to changes in all five provisions. The amendment before you frames that agreement. With these changes, I will be able to support the bill in conference.

This process has left some ill feelings among members of the House Armed Services Committee and I feel obligated to air them.

The first problem is the 5-day limit on sequential referral. It is simply inadequate to deal properly with any intricate piece of legislation, and to keep Members fully informed, and to give them a real opportunity for full participation. This time pressure was aggravated by the fact that the 5-day window fell in the middle of our annual conference with the Senate on the National Defense Authorization Act, the fatest piece of legislation to come before this body on an annual basis. There was no need for this rush. The Banking Committee argued that a short period of sequential referral was warranted by the fact that the Defense Production Act was about to expire September 30, at the end of the fiscal year. Mr. Chairman, the DPA expired last year on October 20, in the middle of Operation Desert Shield. We saw Desert Shield and Desert Storm to a successful conclusion without any Defense Production Act on the books. The President invoked section 18 of the Military Selective Service Act of 1940 in order to require private business firms to deliver needed supplies for Desert Storm. The DPA was not renewed until August 17 of this year—more than 6 months after the fighting in the Persian Gulf ended. There was no pressing need to act before September 30 of this year—and indeed we are not acting before September 30.

Now let me turn to the bill itself. The Defense Production Act was first enacted in 1950 at the start of the Korean conflict. The Government had the power to order businesses to turn their production over to the military. As I just mentioned, that was contained in the 1940 Selective Service Act. But that left businesses with a potential problem. Let's say a steel firm diverted all its steel plate to the Army under orders. Another manufacturing firm with a contract to receive that steel could sue the steel firm for nonfulfillment of the contract. The DPA was written by the Banking Committee to protect firms from such suits during the Korean war.

The Committee on Armed Services never had any dispute over that. Such an issue is appropriately within the bounds of the Banking Committee—although I suppose the Energy and Commerce Committee could lay claim to part of that turf.

In recent years, however, the Banking Committee has progressively extended the Defense Production Act into other policy realms. Chiefly, the bill has been used as a vehicle for buy American legislation. Last year, however, the Banking Committee moved even further and sought to enter the realm of defense industrial base issues—an area the Committee on Armed Services has been involved with for decades. At that point, the Committee on Armed Services objected. This led directly to the decision last month to refer the DPA sequentially to the Committee on Armed Services for the first time in its 41-year history. This year's DPA amendments involve buy America issues, defense industrial base issues and even defense contracting laws and regulations.

There are several provisions of the Banking Committee bill with which the Committee on Armed Services has major problems. They fall roughly into two categories—one process and the other substance. Let me summarize them without listing each and every individual point. A description and explanation of each point in contention will be found in the report of the Armed Services Committee on this bill.

First, with regard to process, there are provisions that amount to an outright raid on the jurisdiction of the Armed Services Committee. For example, there is a provision that relates to the use of so-called offsets in foreign military sales. A few years ago, the Defense Authorization Act directed the President to formulate offset policies within some guidelines laid out in the law. The Committee on Armed Services has been following those policies and has been satisfied to date. The Banking Committee bill would codify the existing policies. There's no change in the policy, but the policy would become part of the Defense Production Act—thus deftly shifting jurisdiction away from the Armed Services Committee and into the Banking Committee since any change to those policies would require an amendment to the Defense Production Act.

The second problem relates to substance. While the bill would make no substantive change in offset policies, it does change long-established practices in other areas. For example, take the Competition in Contracting Act, known as CICA. That act emerged in 1984 from the work of several committees. The lead committee was Government Operations. Armed Services and Small Business and others participated in the process—and have participated in the updates and refinements passed since then. One provision of CICA provides that the concept of best value should be the key element in contracting. The Banking Committee was not involved in these deliberations for the simple reason that acquisition policy does not fall within its jurisdiction. Suddenly, this year a bill emerges from Banking that specifies a particular methodology for calculating best value. This methodology is new. And this methodology conflicts with CICA as drafted and reviewed by several other committees over the last decade. Mr. Chairman, the Armed Services Committee does not agree with these proposed changes and opposes them.

Mr. Chairman, that outlines the problems the Committee on Armed Services finds with this bill and the way it has been referred to us. They are major complaints. Needless to say, the Armed Services Committee now plans to watch the progress of the Defense Production Act each year with a hawkeye. I certainly hope that this dispute over referral time, over jurisdiction, and over the substance of legislation will not be repeated.

Certainly, I am happy to report that once we went to the Banking Committee last week, we received a fair hearing. As I mentioned, given the time, we reduced our list of objections from a dozen to five key provisions. The Banking Committee understood our concerns and listened to our complaints. I would like to

thank Chairman GONZALEZ, as well as TOM CARPER, the chairman of the subcommittee, and the members and staff of the Banking Committee for dealing expeditiously with the concerns of the Armed Services Committee and being generous with their time. For example, BRUCE VENTO and I worked out some compromise language on the last provision just before Monday night's football game. The short referral period put the Banking Committee under the gun as well, but they responded speedily and courteously. They have agreed to the amendments proposed by the Committee on Armed Services. I am happy that we can now put this tiff to bed and that we can come before the House with a unified and agreed position of the two committees, which I urge the House to support.

Mr. CARPER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, there are a couple of sections of the bill to which I am offering amendments. The first amendment deals with the language in the bill in title I, section 108, where the President shall give preference to small businesses for contractors and subcontractors under the bill. I think that is very good language. I commend the committee.

My first amendment would modify that a bit, however, and it would say in addition to that that the President shall also give preference to those small business contractors and subcontractors in areas of high unemployment and continuing economic decline. So, the President would have that right and option if he would prefer to give preference to those companies located in those high-unemployment and high-impacted areas where they have continued to see unemployment figures for years.

The second one deals with the new defense procurement fund, and it simply states that any employee or individual involved in the oversight of that fund would be subject to disclosure of personal finances consistent with financial disclosure laws for every other Federal employee. In addition to that, it goes also a step further, that an employee having oversight, or management, or responsibility of that fund would also have to certify each year that they have no conflict of interest with that particular assignment, and, if there is a situation that is perceived to be a conflict, that they give details of that subject according to Federal conflict of interest laws.

Mr. Chairman, I am glad to have the support of the chairman of the Committee on Banking, Finance and Urban Affairs, and I would hope that the committees would find favor with those two amendments.

The last amendment is simply a buy-American amendment insofar as it reminds everybody that we do have a Buy-American Act of 1933 and that this bill is subject to such Act, except for one other thing it has: a fraudulent labeling provision to it which states that, if anybody has a contract subject to the buy-American law that has been in existence, and if they are going to put "Made in America" on it, it should be made in America or they can lose their production rights as a contractor under this particular bill.

Mr. Chairman, these amendments are not earth shaking. I think they are reasonable policies of, not only procurement, but the granting of contracts to those areas that have faced this unemployment, and the President can give them preference. And let me say this: Those high-unemployment areas will be defined by the Secretary of Labor consistent with past formulas and definitions that have been made in the Congress.

So, with that I appreciate and would appreciate my colleagues' support. I appreciate this time, and I am hoping that the Defense Subcommittee will also find favor with the amendments.

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

Mr. Chairman, we have examined the amendments, and we are pleased to accept the amendments, all three offered by the gentleman from Ohio [Mr. TRAFICANT].

Mr. CARPER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEVINE] for a colloquy.

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman from Delaware [Mr. CARPER], my friend, for yielding. I would like to congratulate my colleagues and friends, the gentlemen from Delaware [Mr. CARPER], and the gentleman from Pennsylvania [Mr. RIDGE] who is not here at the moment, but who has played such a key role in the crafting of this legislation, for their efforts in putting together an outstanding piece of legislation. The Defense Production Act is one of the linchpins in our national security system. As we all saw in the gulf war, with military technology becoming ever more sophisticated, we must have confidence in our domestic production capacity and industrial based strength. This preparedness can save many precious American lives and did so in the gulf.

Mr. Chairman, a few months ago I introduce legislation to strengthen the Exon-Florio provisions of the Defense Production Act which are a key part of protecting our industrial base.

□ 1500

While today's Defense Production Act will not be the vehicle for any broader changes to Exon-Florio, I would urge the House to take this issue up soon. Our economic and national security is too often threatened by foreign takeovers of American firms critical to our future.

I have, however, discussed with the gentleman from Delaware [Mr. CARPER] the possibility of working in conference on this act to carve out a small loan program, perhaps in the neighborhood of some $10 million, to give temporary assistance to companies whose foreign acquisition has been blocked by CFIUS, or to provide purchasing incentives to other U.S. firms to maintain U.S. ownership.

Such loans were endorsed, as the gentleman knows, by a prestigious panel of policy, finance, and manufacturing experts in a June 1990 Defense Science Board report. In their eyes, and in mine, helping to maintain the economic viability and U.S. ownership of firms which have a clear national security value is a logical extension of the $200 million loan program for domestic production capacity already authorized in today's bill.

I want to thank the gentleman from Delaware [Mr. CARPER] for his efforts on today's legislation, and I look forward to working with him and the gentleman from Pennsylvania [Mr. RIDGE] on the development of this important loan initiative.

Mr. CARPER. Mr. Chairman, if the gentleman will yield, let me just say to my friend, the gentleman from California [Mr. LEVINE] that I think he has put his finger on an issue that is important and that is germane to the legislation. Although we are not considering an amendment that relates to it at this time, once we do get to the conference with the Senate, which I hope will begin as early as next week, we will be fully willing to set down, at least on our side, and find out fully what the gentleman has in mind, and we will try to do our best to work with him and to address his concerns.

Mr. LEVINE of California. Mr. Chairman, I look forward to working with the gentleman from Delaware on it, I appreciate his leadership, and I thank him for his help.

Mr. VENTO. Mr. Chairman, I rise in support of H.R. 3039, the Defense Production Act Amendments of 1991. I want to commend the chairman of the Banking Subcommittee on Economic Stabilization, Mr. CARPER, and his staff and subcommittee chairman NICK MAVROULES and his good staff for their hard work in moving this legislation forward in spite of the numerous jurisdictional claims over the past weeks which threatened to further delay the consideration of this important legislation.

H.R. 3039 reauthorizes the Defense Production Act for 3 years and amends the act to strengthen domestic defense production capabilities and to upgrade information on the Nation's defense production base. The bill also requires the President to identify critical components of weapon systems to determine where any vulnerabilities in the supply of these components exists H.R. 3039 also requires the development of an information base which will highlight foreign sources and production vulnerabilities to assist us in strengthening the domestic defense production base.

The bill increases the authorization for title III assistance programs to $200 million per

year over each of the next 3 years to assist in the development of domestic production capabilities. While I applaud this additional assistance, I'm sure that my colleagues would agree that we should be doing more to prevent the further erosion and loss of our defense industrial base so that we don't have to spend money making up for what we have lost. Offsets in military sales have contributed, in my view and many others, to the erosion and loss of our defense industrial base.

Section 123 of the bill includes an important declaration of offset policy by the Congress. This provision, which is identical to the offset policy was required of the administration by virtue of law, President Bush of April 16, 1990, states that "certain offsets for military exports are economically inefficient and market distorting." Because of this fact, the policy declares that "no agency of the U.S. Government shall encourage, enter directly into, or commit U.S. firms to any offset arrangement in connection with the sale of defense goods or services to foreign governments."

It has been established in recent years that while some offset agreements work to the advantage of the prime contractors, those same agreements often work to the disadvantage of the all important subcontractors who see that work go to foreign countries rather than to American business and American workers. Section 123 expresses Congress' preference that agencies of the U.S. Government should not be directly involved in promoting offset agreements with foreign governments.

On some rare occasion, if there is a legitimate national security interest at stake which must be addressed through direct Federal involvement in an offset arrangement, the bill provides for an exception to the policy based upon the recommendation of the National Security Council.

Mr. Chairman, I am also concerned about offsets in military sales because these agreements hasten technology transfers from the United States to foreign nations, including some of our staunchest competitors in the international marketplace. The FSX deal between the United States and Japan was a prime example of the United States Government actively promoting a coproduction arrangement which provided the Japanese with important access to United States aerospace technology involving resins and composites. Such technology transfers may hasten the day when Japan not only builds jet fighters to compete with the products of Grumman and General Dynamics, but also commercial air transports to compete against the products manufactured by Boeing and McDonnell-Douglas.

By legislating congressional policy on offsets as this legislation does, Congress reinforces the President's stated policy and also assures itself a role in future modifications of offset policy.

I hope that my colleagues will join me in supporting this important legislation.

Mr. HOAGLAND. Mr. Chairman, I urge my colleagues to support this extension of Defense Production Act authority for another 3 years. This law is the primary tool for promoting the development and availability of strategic materials and technologies, the stockpiling of key goods not necessarily available from domestic suppliers, and ensuring supplies by giving the military primary access to strategic goods during times of national emergency.

The Defense Production Act contains what are known as the Exon-Florio provisions which give the President the authority to review the national security implications of proposed foreign acquisitions, mergers, and takeovers of U.S. companies, and if necessary, stop the merger or takeover. I believe that the national security review process is too important to be allowed to lapse periodically. It creates confusion in the business community, if they feel an acquisition may be retroactively reviewed and potentially undone. Allowing the takeover provisions to expire leaves the business community questioning what the rules are.

During the Banking Committee markup of H.R. 3039 this past July, I successfully offered an amendment exempting from termination the so-called Exon-Florio provisions, which are in section 721 of the Defense Production Act. The following week the House passed H.R. 991, the short term DPA extension, which contained an identical amendment that had been offered by the subcommittee chairman, TOM CARPER, exempting Exon-Florio from termination. I am pleased that the committee has recognized the need for a permanent extension in both bills.

I want to commend Congressmen CARPER and RIDGE for their efforts to preserve and extend this important law. As stated before, I would like to commend our senior Senator from Nebraska, Mr. EXON, for having the leadership and foresight to have drafted and had enacted the original Exon-Florio provisions.

Ms. OAKAR. Mr. Chairman, I rise in strong support of the Banking Committee's bill (H.R. 3039), to extend and revise the Defense Production Act [DPA].

The record should reflect that the gentleman from Delaware [Mr. CARPER] has done a very able job in crafting the pending bill and in reconciling the interests of the various committees having an interest in the defense industrial base so that H.R. 3039 can be considered on the floor. Likewise, the record should reflect the active interest of the membership of the Subcommittee on Economic Stabilization and the support and contributions made by the ranking minority Member Mr. RIDGE.

LEGISLATIVE HISTORY

As the House is aware, DPA is familiar terrain. Last year, we passed three extensions of DPA, the subcommittee's 1990 reauthorization bill, the conference report, and two amendatory concurrent resolutions on the bill. As chairman of the subcommittee from 1986 to 1990, I am proud to recall that House consideration last year was a solid bipartisan effort to strengthen the Nation's defense industrial base to support our Armed Forces, which were then in the field in the Middle East. The vote to report the bill from the Banking Committee was 38 to 9 and the vote on passage of H.R. 486 was 295 to 119. The conference report passed by voice vote.

Unfortunately, a small group of Republican Senators and the Defense Department blocked consideration of the conference report on DPA in the Senate on the last night of the 101st Congress.

As a result, the war with Iraq, Operation Desert Storm, was fought while the DPA was not in effect. To attempt to fill the GAP, an Executive order was promulgated that purported to create some of the key authorities of the DPA. It is important to note that information reaching the Subcommittee on Economic Stabilization during the period when DPA had lapsed was that its various authorities were sorely missed.

During peacetime, DPA authorities for priority production, essential research, and management of mobilization are used an average of once every working day. During wartime, these authorities are even more important.

THE PROBLEM CONCEALED BY THE SUCCESS OF DESERT STORM

Mr. Chairman, our judgment about the importance of DPA was confirmed this week by another in the useful series of reports by the Air Force Association on the defense industrial base entitled "Lifeline Adrift." The Air Force Association observes that Desert Storm was fought with a stock of weapons and munitions that had been built up in the context of superpower tensions. However, even with this strong provision, the Air Force Association found that: "thin spots were beginning to appear before—hostilities—ended 2 months later."

Corroborating this condition were press reports that: "On nearly 30 occasions, the Bush administration needed help from foreign governments to get delivery of crucial parts for the war effort"—"U.S. relied on foreign-made parts for weapons," Washington Post, March 25, 1991.

The Air Force Association report further notes that the defense industrial base that produced the materiel for Operation Desert Storm "no longer exists." The September report finds that many defense contractors, particularly subcontractors and suppliers of components are moving from defense production to the more profitable and less adversarial commercial market—report, loc. cit., summary, page i.

The report also tabulates that the six largest defense contractors will, by the end of 1991, have cut back 50,000 workers over the past 5 years, paring down the critical personnel skill base of the defense industrial base.

The report cites many examples of critical components and systems, such as radars, aircraft engines, optical devices, and bearings, that have only 1 or 2 suppliers in this country—report, loc. cit., page 6. If the build-down of the Armed Forces of 25 percent that is projected over the next 5 years proceeds as scheduled, this attrition will be compounded.

The bottom line for the association and the country is that "serious questions exist about how well the defense industrial base—reduced to a level that cannot yet be predicted, its production lines cold, its work force dispersed, and its talents diversified into other pursuits—will be able to mobilize and respond."

The problem of future national security is that it only takes a few willful men, or in several well known cases, one willful man at the head of a government, to ignite a major regional conflict in which the United States or its allies or friends could be embroiled.

I want this House to mark my words. Since 1956, there have been six crisis situations in the Middle East. That is one every six years. Chances are that there will be another crisis in that region or in another region for which the United States must be prepared.

NECESSITY FOR STRONG ACTION ON DPA

Accordingly, this House and the Congress must provide for strong and clear-headed management of the defense industrial base in the years ahead.

I agree with the Air Force Association, that we cannot let our defense capabilities drift with market forces. This country is the anchor of world stability and it has responsibilities that transcend drifting with the market in matters of national security.

For these reasons, I believe we need to assure integration of defense doctrine with defense production; we need to assure the availability of qualified contractors and subcontractors; we must make sure that our worker skill base is maintained and enhanced; we must make sure that research is supported and linked to our outstanding military and civilian needs; and we should develop the very best information systems to help us find production bottlenecks and manage mobilization capabilities.

We must also make provision for adequate energy sources for the defense industrial base in times of emergency. The military gets all the energy it needs under DPA, but there is no comparable provision for civilian facilities that supply the military. It is wise for Congress to address this situation, so industry could be scrambling around at the next crisis, paying the price for not addressing it. In H.R. 486, we included a provision for assessing the prospects of utilizing renewable and alternative sources of fuel to maintain industrial capabilities in times of threat. The amendment by the gentleman from North Dakota [Mr. DORGAN] goes part way toward achieving the result of the Oakar provision that was deleted for the bill, and I favor moving toward achieving the potential of such energy sources. I urge that all of the committees concerned cooperate so that, together, we "provide for the common defense" of this country.

SUMMARY

For all of these reasons, I strongly support the pending bill to reauthorize the Defense Production Act, and urge all of my colleagues to do likewise.

Mr. DORGAN of North Dakota. Mr. Chairman, the purpose of the Defense Production Act Amendments (H.R. 3039) is to undergird and shape the Nation's defense industrial base. The purpose of the amendment I will offer is to advance that same goal by providing additional policy guidance on three goals of the bill itself: First, increasing energy independence; second, dispersing the defense industrial base; and third, improving the reliability of contracting for critical production.

These amendments have been cleared by the Parliamentarian as being germane to the bill and have been accepted by Chairman TOM CARPER, the chairman of the Banking Subcommittee with jurisdiction over the bill. I also understand that the ranking minority member, Mr. RIDGE, has no objections. All three subject areas in each amendment are part of current law and have enjoyed bipartisan and bicameral support. I believe they should be noncontroversial.

Let me also state that all three provisions are permissive. They do not bind the Defense Department or its contractors. The language in each case is that the goal should be met "to the maximum extent possible."

I. INCREASE ENERGY INDEPENDENCE THROUGH CONSERVATION AND RENEWABLE FUELS USE

The recent war in the Persian Gulf again illustrated our overdependence on imported fuels. Our net trade deficit on oil and oil products has increased from $38 billion in 1987 to $55 billion in 1990. In recent years, we have been asleep at the switch and comforted by low energy prices. This has created a false sense of security and devastated our own domestic energy industry.

I simply make the point that the goal of this bill to strengthen energy independence should include conservation measures and the use of renewable fuels such as ethanol. I also believe that expanded use of conservation and renewable fuels should be adopted as part of our overall energy policy—not just as measures in this bill.

Current law already requires the Defense Department to purchase ethanol when available at competitive prices. A pending amendment to the Defense authorization bill from both bodies would also require that DOD increase its purchases of ethanol as the purchasing agent for other Federal agencies and justify exemptions to its own purchase of ethanol. (House section 815 and Senate amendment 961 do this.)

This proposal represents a sound way to save energy and to reduce our dependence on foreign oil. It thereby strengthens our defense industrial base and properly falls within the purview of this bill. Concomitant benefits will also flow to family farmers in the form of increased incomes from the sale of commodities for ethanol production.

II. ENCOURAGE THE DISPERSAL OF THE DEFENSE INDUSTRIAL BASE

The Defense Production Act of 1950 has mandated for over 40 years that our defense production base should be spread out. The act further specifies that procurement of goods and services should also be dispersed.

However, our defense base has become more concentrated—not less. A few areas of the country dominate defense production—despite the law's mandate. Economically depressed rural areas like North Dakota have garnered few benefits from the big defense buildup of the 1980's. I think all depressed areas should be able to benefit from defense production.

Consistent with the bill, my amendment seeks only to recommend how this dispersal should occur. Instead of helping the already prosperous regions, it directs that to the maximum extent possible dispersal should seek to include economically depressed areas. This does not preclude other measures to deal with distressed areas such as technical assistance centers authorized by the Defense authorization bill, although this is a very modest program. It only sets a policy framework for this bill.

My amendment would assist any depressed area, although it points to the obvious ones: cities with high unemployment and poverty rates, rural counties with population and job loss, and Indian reservations with severe health and employment problems. It seems fair to me that the Federal Government has a responsibility to help the areas suffering from the recession or chronic economic problems, rather than to enrich those already prospering.

Again, amendments to the 1986 and 1987 Defense Authorization Act have sought to encourage geographic dispersal. For example, section 963 of Public Law 99–661 required a report on efforts to disperse defense contracts. The same law in section 962 endorsed a memorandum of understanding between DOD and SBA to increase contracts with Indian businesses. Public Law 101–189 also gives special credit for subcontracting with Indian firms on reservations.

I might mention that this makes good sense for the defense base. One of the Indian firms in North Dakota, Turtle Mountain Manufacturing Corp., for example, received an outstanding performance award for its manufacture of water carriers for Desert Storm. A rural firm, Lucas Western, is one of few in the Nation to produce parts which are shipped to another plant for assembly without having to undergo further quality control at the assembly point.

III. AWARD CONTRACTS UNDER DPA TO FIRMS NOT CONVICTED OF FRAUD

This is another commonsense effort to say we should avoid doing business with crooks. Firms with criminal records are not as reliable and dependable as those with ethical business practices. When court actions disrupt management and producton it means that the supply of critical materials can also become uncertain. So my amendment seeks to make this principle our policy under the DPA.

Again, there is a major problem with contract fraud. Many defense firms have been convicted of criminal activity and DOD has seen fit to award some of these firms with new contracts. Unless national security is imperiled, we simply shouldn't do business like that.

As with the other provisions, the language is permissive: "To the maximum extent possible * * *." So there is some flexibility here for DOD and contractors.

Current law already prevents DOD from doing business with individuals convicted of defense fraud. This results from provisions in the Defense Authorization Act for 1986—sections 954 and 932 of Public Law 99–145. Section 932 was later modified in section 941 of Public Law 99–591. The General Accounting Office has confirmed to me that this provision works.

In summary, I urge support for the three provisions in the Dorgan amendment which will help to strengthen our defense preparedness by increasing domestic energy supplies, by dispersing the defense industrial base, and by improving the reliability and performance of defense contractors. Each provision pertains specifically to this bill, although I have shown that there are parallel provisions in other bills. Each part of the amendment spells out a new policy provision, but also allows sufficient flexibility to meet our national defense production needs.

These are commonsense measures that should enjoy unanimous support. I urge the adoption of the Dorgan policy amendment.

Mr. PAXON. Mr. Chairman, I have no further requests for time.

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

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a

substitute recommended by the Committee on Banking, Finance, and Urban Affairs, now printed in the reported bill is considered as an original bill for the purpose of amendment and each title is considered as read.

In lieu of the amendments recommended by the Committee on Armed Services now printed in the reported bill, it shall be in order to consider amendments en bloc printed in House Report 102-230, if offered by the gentleman from Texas [Mr. GONZALEZ] or his designee.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Defense Production Act Amendments of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

Sec. 101. Declaration of policy.

PART B—AMENDMENTS TO TITLE I OF THE DEFENSE PRODUCTION ACT

Sec. 111. Strengthening of domestic capability and assistance for small businesses.

Sec. 112. Limitation on actions without congressional authorization.

PART C—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

Sec. 121. Expanding the reach of existing authorities under title III.

Sec. 122. Defense Production Act Fund.

Sec. 123. Offset policy.

Sec. 124. Annual report on impact of offsets.

Sec. 125. Civil-military integration.

Sec. 126. Testing, qualification, and incorporation of materials for use for weapon systems and development programs.

PART D—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

Sec. 131. Small business.

Sec. 132. Definitions.

Sec. 133. Regulations and orders.

Sec. 134. Information on the defense industrial base.

Sec. 135. Public participation in rulemaking.

PART E—TECHNICAL AMENDMENTS

Sec. 141. Technical correction.

Sec. 142. Investigations; records; reports; subpoenas.

Sec. 143. Employment of personnel.

Sec. 144. Technical correction.

PART F—REPEALERS AND CONFORMING AMENDMENTS

Sec. 151. Synthetic fuel action.

Sec. 152. Repeal of interest payment provisions.

Sec. 153. Joint Committee on Defense Production.

Sec. 154. Persons disqualified for employment.

Sec. 155. Feasibility study on uniform cost accounting standards; report submitted.

Sec. 156. National Commission on Supplies and Shortages.

PART G—REAUTHORIZATION OF SELECTED PROVISIONS

Sec. 161. Authorization of appropriations.

Sec. 162. Extension of program.

Sec. 163. Quadrennial report.

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

PART A—ENCOURAGING IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE

Sec. 201. Recognition of modernized production systems and equipment in contract award and administration.

Sec. 202. Sustaining investment.

PART B—MISCELLANEOUS

Sec. 211. Discouraging unfair trade practices.

Sec. 212. Evaluation of domestic defense industrial base policy.

TITLE III—AMENDMENT TO RELATED LAWS

Sec. 301. Energy security.

TITLE IV—EFFECTIVE DATES

Sec. 401. Effective dates.

PARLIAMENTARY INQUIRY

Mr. CARPER. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CARPER. Mr. Chairman, I do have en bloc amendments that I want to offer at some time so that we will be able to discuss them and vote on them. Is this the appropriate time to make that request?

The CHAIRMAN. This is the appropriate time.

AMENDMENTS EN BLOC OFFERED BY MR. CARPER

Mr. CARPER. Mr. Chairman, pursuant to the rule, I offer amendments en bloc.

The Clerk read as follows:

Amendments en bloc offered by Mr. CARPER: In section 2 of the Defense Production Act of 1950, as proposed to be amended by section 101, strike subsection (d).

In section 107(b)(1) of the Defense Production Act of 1950, as proposed to be amended by section 111—

(1) strike "or authorities' and insert "and authorities"; and

(2) strike "provision of law" and insert "provision of statute".

In section 107(b)(4) of the Defense Production Act of 1950, as proposed to be amended by section 111, insert "similar" after "other". Amend section 123 to read as follows:

SEC. 123. DECLARATION OF OFFSET POLICY.

(a) IN GENERAL.—Recognizing that certain offsets for military exports are economically inefficient and market distorting, and mindful of the need to minimize the adverse effects of offsets in military exports while ensuring that the ability of United States firms to compete for military export sales is not undermined, it is the policy of the Congress that—

(1) no agency of the United States Government shall encourage, enter directly into, or commit United States firms to any offset arrangement in connection with the sale of defense goods or services to foreign governments;

(2) United States Government funds shall not be used to finance offsets in security assistance transactions except in accordance with policies and procedures that were in existence as of September 30, 1991.

(3) nothing in this section shall prevent agencies of the United States Government from fulfilling obligations incurred through international agreements entered into before September 30, 1991; and

(4) the decision whether to engage in offsets, and the responsibility for negotiating and implementing offset arrangements, resides with the companies involved.

(b) PRESIDENTIAL APPROVAL OF EXCEPTIONS.—It is the policy of the Congress that the President may approve an exception to the policy stated by subsection (a) after receiving the recommendation of the National Security Council.

(c) CONSULTATION.—It is the policy of the Congress that the President shall designate the Secretary of Defense, in coordination with the Secretary of State, to lead an interagency team to consult with foreign nations on limiting the adverse effects of offsets in defense procurement. The President shall transmit an annual report on the results of these consultations to the Congress as part of the report required under section 309(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(a)).

Amend section 133 to read as follows:

SEC. 133. REGULATIONS AND ORDERS.

Section 704 of the Defense Production Act of 1950 (50 U.S.C. App. 2154) is amended to read as follows:

"SEC. 704. REGULATIONS AND ORDERS.

"(a) IN GENERAL.—Subject to section 709 and subsection (b), the President may prescribe such regulations and issue such orders as the President may determine to be appropriate to carry out the provisions of this Act.

"(b) LIMITATIONS.—The President may not prescribe any regulation, or issue any order, to carry out the provisions of this Act that is inconsistent with or conflicts with the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act.".

Strike section 201.

Strike section 202.

Redesignate section 211 as section 201.

Redesignate section 212 as section 202 and in subsection (b)(3) of this section strike the second sentence.

Strike the headings for parts A and B of title II.

In section 301, strike subsections (a) and (b) and strike "(c) GEOTHERMAL ENERGY PROGRAM.—".

Amend title IV to read as follows:

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

This Act shall take effect on September 30, 1991.

Conform the table of contents in section 1(b).

Mr. CARPER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CARPER. Mr. Chairman, this amendment represents the culmination of many hours work with members and staff of the Energy and Commerce, Armed Services, and Government Operation Committees. It is an amendment which encompasses several suggested improvements in this legislation, and I would would like to thank the members of those three committees and their staff for their cooperation.

Though some of these changes are not really technical in nature, I know

of no controversy with them and know of no opposition. They are the product of considerable negotiations, and represent the shared consensus of the Banking Committee and the other committees involved.

This en bloc amendment would, very briefly, do the following:

First, strike provisions in the declaration of purpose dealing with "best value" procurement and defense-related professional and technical services;

Second, strike sections in the bill which would require amendments to the Federal acquisition regulations and which relate directly to acquisition and procurement policy;

Third, clarify that measures taken by the Secretary of Defense to ensure that the availability of reliable sources of critical weapon system components are similar to measures authorized by the new DPA section 107 created the bill, and that such actions be taken in conjunction with existing authorities in title 10 of the United States Code;

Fourth, drop reporting requirements dealing with projected capacity and potential prospects for the use of alternative and renewable sources of energy for defense mobilization and industrial preparedness;

Fifth, clarify that any regulations developed to carry out the provisions of this act be consistent with the Federal acquisition regulation;

Sixth, strike a provision of the bill which would require that acquisition policies mandated by this act be incorporated as part of the Federal acquisition regulation within 270 days, Given other changes made in this amendment, this provision is no longer necessary; and,

Seventh, modify the offset policy provision of the bill to make it a free-standing statement of congressional policy that the Federal Government should not engage directly in offset arrangement made in connection with sale of defense goods or services to foreign governments.

Mr. Chairman, this is a amendment crafted in cooperation with the various House committees that share an interest in maintaining a strong defense production base. I encourage its adoption.

Mr. SPENCE. Mr. Chairman, I rise in support of the amendments en bloc.

Mr. Chairman, I rise to express the support of the House Armed Services Committee minority for the committee-endorsed amendment being offered by the gentleman from Delaware.

This amendment incorporates the amendments to the Defense production bill that the Armed Services Committee reported out unanimously last week making corrections in a number of important policy areas.

I also would point out that, although this amendment has our support, it only addresses a handful of the items in H.R. 3039 that the Armed Services Committee objects to. We hope that these remaining issues can be revisited in conference and that our concerns in areas of our legitimate jurisdiction can be better accommodated in the future. Both the administration and the Department of Defense have expressed their concern and opposition to certain provisions of H.R. 3039, some of which are addressed by this amendment, but some which are not, and will require another close look down the road.

Mr. Chairman, during general leave I will ask unanimous consent to have the statement of administration policy on H.R. 3039 and a letter from the Department of Defense General Counsel Terrence O'Donnell inserted into the RECORD at the end of my statement outlining the various provisions to which they object.

STATEMENT OF ADMINISTRATION POLICY

The Administration opposes H.R. 3039 and urges the House to enact a simple extension of the existing authorities of the Defense Production Act of 1950 (DPA) until September 30, 1994, in lieu of H.R. 3039.

Specifically, the Administration opposes the following provisions of H.R. 3039:

Section 111, which would include the Secretary of Commerce and the Administrator of the Small Business Administration in determining which contractor may receive loans, loan guarantees, and purchase agreements for defense contracts. The Secretary of Defense can best determine which contractors should receive such assistance.

Section 122, which would establish a cap of $400 million for the Defense Production Act Fund. The $400 million cap is excessive; a $250 million cap has long been recognized as sufficient.

Section 123, which would statutorily establish a policy concerning "offset" arrangements in military exports. (U.S. exporters may enter into reciprocal agreements to purchase certain goods and services from or provide other services for the country purchasing U.S. military goods and services, thereby "offsetting" the cost of the original export.) The section would also mandate specific diplomatic initiatives to reduce the effects of offsets. These requirements would inadvisably restrict Federal policy and interfere with the President's exercise of his constitutional authority to conduct foreign affairs.

Section 124, which would require (1) U.S. industry to report immediately offset agreements with foreign entities and (2) the Secretary of Commerce, rather than the President, to prepare an annual offset report for Congress. Section 124 would also require the Secretary to disclose alternative findings or recommendations, made within the government, on offsets. The real-time reporting by U.S. industry would be burdensome and unnecessary. A statutory requirement to disclose internal Executive branch findings and recommendations would infringe upon the President's constitutional authority to maintain the confidentiality of Executive branch deliberations.

Section 126, which would require the utilization of certain materials in existing and future weapon systems. This requirement may require the redesign of, or lowered specifications for, existing or future weapon systems to accommodate these materials. This would raise the costs and lower the performance of the weapon systems or make weapon systems procurement and support more vulnerable to particular suppliers.

Section 134, which would require the establishment and maintenance of a defense industrial base information system. Such an information system would be an enormous undertaking and impose a considerable reporting burden on the government and the companies involved.

Section 163, which would require a report on the review of the foreign acquisition of U.S. companies involved in critical technologies that would be burdensome and of questionable value.

Sections 201 and 202, which would require the Department of Defense to consider providing full reimbursement of defense contractors' independent research and development/bid and proposal costs. Such reimbursement would unnecessarily increase Defense Department contract costs by up to $1 billion annually by 1996.

Section 211, which would amend the Code of Federal Regulations to specify the circumstances under which a contractor may be suspended or debarred. Such an amendment would duplicate existing procedures and would result in a misplaced emphasis on violations rather than contractor responsibilities.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, September 25, 1991.

Hon. LES ASPIN,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request to provide our position on H.R. 3039, "Defense Production Act (DPA) Amendments of 1991."

Enclosed is a listing of the objectionable provisions in this bill.

Sincerely,

TERRENCE O'DONNELL.

LISTING OF OBJECTIONABLE PROVISIONS NOW IN H.R. 3039

Section 108, which would include the Secretary of Commerce and the Administrator of the Small Business Administration in determining which contractor may receive loans, loan guarantees, and purchase agreements for defense contracts. The Secretary of Defense can best determine which contractors should receive such assistance.

Section 122, which would establish a cap of $400 million for the Defense Production Act Fund. The $400 million cap is excessive; a $250 million cap has long been recognized as sufficient.

Section 123, which would statutorily establish a policy concerning "offset" arrangements in military exports. (U.S. exporters may enter into reciprocal agreements to purchase certain goods and services from or provide other services for the country purchasing U.S. military goods and services, thereby "offsetting" the cost of the original export.) The section would also mandate specific diplomatic initiatives to reduce the effects of offsets. These requirements would inadvisably restrict Federal policy and interfere with the President's exercise of his constitutional authority to conduct foreign affairs.

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close internal Executive branch findings and recommendations would infringe upon the President's constitutional authority to maintain the confidentiality of Executive branch deliberations.

Section 125, which would require the utilization of certain materials in existing and future weapon systems. This requirement may require the redesign of, or lowered specifications for, existing or future weapon systems to accommodate these materials. This would raise the costs and lower the performance of the weapon systems or make weapons systems procurement and support more vulnerable to particular suppliers.

Section 135, which would require the establishment and maintenance of a defense industrial base information system. Such an information system would be an enormous undertaking an impose a considerable reporting burden on the government and the companies involved.

Section 201 and 202, which would require the Department of Defense to consider providing full reimbursement of defense contractors' independent research and development/bid and proposal costs. Such reimbursement would unnecessarily increase Defense Department contract costs by up to $1 billion annually by 1996.

Section 211, which would amend the Code of Federal Regulations to specify the circumstances under which a contractor may be suspended or debarred. Such an amendment would duplicate existing procedures and would result in a misplaced emphasis on violations rather than contractor responsibilities.

Section 402, which would require a report on the review of the foreign acquisition of U.S. companies involved in critical technologies that would be burdensome and of questionable value.

The CHAIRMAN. The question is on the amendments en block offered by the gentleman from Delaware [Mr. CARPER].

The amendments en bloc were agreed to.

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

SEC. 101. DECLARATION OF POLICY.

Section 2 of the Defense Production Act of 1950 (50 U.S.C. App. 2062) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"(a)(1) The vitality of the industrial and technology base of the United States is a foundation of national security. It provides the industrial and technological capabilities employed to meet national defense requirements, in peacetime and in time of national emergency. In peacetime, the health of the industrial and technological base contributes to the technological superiority of our defense equipment, which is a cornerstone of our national security strategy, and the efficiency with which defense equipment is developed and produced. In times of crisis, a healthy industrial base will be able to effectively provide the graduated response needed to effectively meet the demands of the emergency.

"(2) To meet these requirements, this Act affords to the President an array of authorities to shape defense preparedness programs and to take appropriate steps to maintain and enhance the defense industrial and technological base.

"(b)(1) In view of continuing international problems, the Nation's demonstrated reliance on imports of materials and components, and the need for measures to reduce defense production lead times and bottlenecks, and in order to provide for the national defense and national security, our defense mobilization preparedness effort continues to require the development of preparedness programs, domestic defense industrial base improvement measures, as well as provision for a graduated response to any threatening international or military situation, and the expansion of domestic productive capacity beyond the levels needed to meet the civilian demand. Also required is some diversion of certain materials and facilities from civilian use to military and related purposes.

"(2) These activities are needed in order to improve domestic defense industrial base efficiency and responsiveness, to reduce the time required for industrial mobilization in the event of an attack on the United States or to respond to actions occurring outside the United States which could result in the termination or reduction of the availability of strategic and critical materials, including energy, and which could adversely affect national defense preparedness of the United States. In order to ensure national defense preparedness, which is essential to national security, it is also necessary and appropriate to assure the availability of domestic energy supplies for national defense needs.

"(c)(1) In order to ensure productive capacity in the event of an attack on the United States, it is the policy of the Congress to encourage the geographical dispersal of industrial facilities in the United States to discourage the concentration of such productive facilities within limited geographical areas which are vulnerable to attack by an enemy of the United States. To ensure that essential mobilization requirements are met, consideration should also be given to stockpiling strategic materials to the extent that such stockpiling is economical and feasible.

"(2) In the construction of any Government-owned industrial facility, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facility, and in the production of goods and services, under this or any other Act, each department and agency of the executive branch shall apply, under the coordination of the Federal Emergency Management Agency, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense. However, nothing in this paragraph shall preclude the use of existing industrial facilities.

"(3) To ensure the adequacy of productive capacity and supply, executive agencies and departments responsible for defense acquisition shall continuously assess the capability of the domestic defense industrial base to satisfy peacetime requirements as well as increased mobilization production requirements. Such assessments shall specifically evaluate the availability of adequate production sources, including subcontractors and suppliers, materials, skilled labor, and professional and technical personnel. In this context, every effort should be made to foster cooperation between the defense and commercial sectors for research and development and for acquisition of materials, components, and equipment. In furtherance of this policy and to ensure the capability of the domestic defense industrial base, defense contractors should be allowed full recovery of the costs of independent research and development and the preparation of bids and proposals.

"(4) It is the policy of the Congress that plans and programs to carry out this declaration of policy shall be undertaken with due consideration for promoting efficiency and competition.

"(5) It is also necessary to recognize that—

"(A) the domestic defense industrial base is a component part of the core industrial capacity of the Nation; and

"(B) much of the industrial capacity which is relied upon by the Federal Government for military production and other defense-related purposes is deeply and directly influenced by—

"(i) the overall competitiveness of the United States industrial economy; and

"(ii) the ability of United States industry, in general, to produce internationally competitive products and operate profitably while maintaining adequate research and development to preserve that competitive edge in the future, with respect to military and civilian production.

"(6)(A) The domestic defense industrial base is developing a growing dependency on foreign sources for critical components and materials used in manufacturing and assembling major weapons systems for our national defense.

"(B) This dependence is threatening the capability of many critical industries to respond rapidly to defense production needs in the event of war or other hostilities or diplomatic confrontation.

"(C) The inability of United States industry, especially smaller subcontractors and suppliers, to provide vital parts and components and other materials would impair our ability to sustain our Armed Forces in combat for more than a few months.

"(D) In the event our Armed Forces must face an adversary with a numerical advantage, in the context of a conventional war, it is imperative to preserve and strengthen the industrial and technological capabilities of the United States.

"(d)(1) The domestic defense industrial base includes a significant and dynamic industry that comprises those companies providing mission critical professional and technical services to the Federal Government. In order to preserve the continuing vitality of this industry, it is the policy of the Congress that executive agencies and departments responsible for the acquisition of these services should utilize a streamlined 'best value' procurement methodology that—

"(A) emphasizes technical quality at a reasonable price,

"(B) employs flexibly priced contracts, and

"(C) provides incentives for this industry to achieve optimal levels of creativity and innovation in program performance.

"(2) It is further the policy of the Congress that the trend toward placing increasing levels of defense-related professional and technical services in the public and quasi-public sectors (such as Federal Government laboratories, depots, arsenals, and federally funded research and development centers) be reversed. In the face of limited defense budgets, it is unrealistic to believe that private and public defense sectors both can be sustained at viable levels. It is essential that one healthy, efficient, and technically innovative services sector be maintained. The Congress recognizes that the private commercial sector generates jobs and tax revenues, whereas the public sector consumes tax resources. In order to maintain the productive technological capacity of the United States, it is essential that the executive agencies and departments responsible for the acquisition of professional and technical services place the utmost emphasis on the procurement of such services from the tax-paying private sector and reduce reliance on the public and quasi-public sectors.".

PART B—AMENDMENTS TO TITLE I OF THE DEFENSE PRODUCTION ACT

SEC. 111. STRENGTHENING OF DOMESTIC CAPABILITY AND ASSISTANCE FOR SMALL BUSINESSES.

Title I of the Defense Production Act of 1950 (50 U.S.C. App. 2071, et seq.) is amended by adding at the end the following new sections:

"SEC. 107. STRENGTHENING OF DOMESTIC CAPABILITY.

"(a) IN GENERAL.—The President, acting through the Secretary of Defense, shall identify critical components essential for the execution of the national security strategy of the United States in peacetime and during graduated mobilization, and take appropriate actions to protect against unreliable sources for critical components.

"(b) APPROPRIATE ACTIONS.—For purposes of subsection (a), appropriate action may include—

"(1) restricting solicitation for procurement of a critical component to domestic and reliable foreign sources only or to domestic sources only (pursuant to this section or authorities in section 2304(b)(1)(B) or 2304(c)(3) of title 10, United States Code, or any other applicable provision of law);

"(2) stockpiling critical components;

"(3) developing substitutes for critical components; or

"(4) other appropriate measures.

"(c) IDENTIFICATION OF CRITICAL COMPONENTS.—At a minimum, critical components shall be identified for all items on the CINC Critical Items List. Additionally, the Department of Defense shall take into account those components identified as critical by a National Security Assessment or Presidential determination as a result of a petition filed under section 232 of the Trade Expansion Act of 1962 when identifying critical components.

"SEC. 108. ASSISTANCE FOR SMALL BUSINESSES.

"(a) IN GENERAL.—In providing any assistance authorized for defense contractors and subcontractors under this Act, the President shall provide a strong preference for contractors and subcontractors which are small businesses, as defined by the Administrator of the Small Business Administration.

"(b) MODERNIZATION OF EQUIPMENT.—

"(1) In general.—Funds authorized under title III may be set aside to guarantee the purchase or lease of advance manufacturing equipment, and any related services with respect to any such equipment for purposes of this Act.

"(2) SMALL BUSINESS SUBCONTRACTORS.—In considering applications under paragraph (1), the President shall provide a strong preference for smaller subcontractors that—

"(A) have obtained the recommendation—

"(i) of an agency of the Department of Defense; or

"(ii) pursuant to the efforts of an agency described in clause (i), of the Secretary of Commerce or the Administrator of the Small Business Administration; and

"(B) have arranged to obtain management assistance services in connection with the installation of the advance manufacturing equipment.".

SEC. 112. LIMITATION ON ACTIONS WITHOUT CONGRESSIONAL AUTHORIZATION.

Section 104 of the Defense Production Act of 1950 (50 U.S.C. App. 2074) is amended to read as follows:

"SEC. 104. LIMITATION ON ACTIONS WITHOUT CONGRESSIONAL AUTHORIZATION.

"(a) WAGE OR PRICE CONTROLS.—No provision of this Act shall be interpreted as providing for the imposition of wage or price controls without the prior authorization of such action by a joint resolution of Congress.

"(b) CHEMICAL OR BIOLOGICAL WEAPONS.—No provision of title I of this Act shall be exercised or interpreted to require action or compliance by any private person to assist in any way in the production of or other involvement in chemical or biological warfare capabilities unless authorized by the President.".

PART C—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

SEC. 121. EXPANDING THE REACH OF EXISTING AUTHORITIES UNDER TITLE III.

(a) GUARANTEE AUTHORITY.—Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended—

(1) in subsection (a)(1), by striking "to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense" and inserting "to expedite or expand production and deliveries or services under Government contracts for the procurement of industrial resources or critical technology items essential for the national defense";

(2) by amending subsection (a)(3)(A) to read as follows:

"(A) the guaranteed contract or operation is for industrial resources or a critical technology item which is essential to the national defense;";

(3) in subsection (a)(3)(B)—

(A) by striking "Without" and inserting "without"; and

(B) by striking "the capability for the needed material or service" and inserting "the needed industrial resources or critical technology item";

(4) by amending subsection (a)(3)(D) to read as follows:

"(D) the combination of the United States national defense demand and foreseeable nondefense demand is equal to, or greater than, the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the guarantee.";

(5) in subsection (e)(1)(A), by striking "Except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in subparagraph (D)";

(6) in subsection (e)(1)(C), by striking "$25,000,000" and inserting "$50,000,000"; and

(7) by adding at the end of subsection (e)(1) the following new subparagraph:

"(D) The requirements of subparagraphs (A), (B), and (C) may be waived—

"(i) during periods of national emergency declared by the Congress or the President, or

"(ii) upon a determination by the President, on a nondelegable basis, that a specific guarantee is necessary to avert an industrial resource or critical technology shortfall that would severely impair national defense capability.".

(b) LOANS TO PRIVATE BUSINESS ENTERPRISES.—Section 302 of the Defense Production Act of 1950 (50 U.S.C. App. 2092) is amended—

(1) in subsection (a), by striking "for the procurement of materials or the performance of services for the national defense" and inserting "for the procurement of industrial resources or a critical technology item for the national defense";

(2) by amending subsection (b)(2)(D) to read as follows:

"(D) the combination of the United States national defense demand and foreseeable nondefense demand is equal to, or greater than, the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the loan.";

(3) in subsection (c)(1), by striking "No such loan may be made under this section, except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in paragraph (4), no loans may be made under this section";

(4) in subsection (c)(3), by striking "$25,000,000" and inserting "$50,000,000"; and

(5) in subsection (c), by adding at the end the following new paragraph:

"(4) The requirements of paragraphs (1), (2), and (3) of this subsection may be waived during periods of national emergency declared by Congress or the President.".

(c) PURCHASES AND PURCHASE COMMITMENTS.—

(1) Section 303(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)) is amended to read as follows:

"(a)(1) To assist in carrying out the objectives of this Act, the President may make provision—

"(A) for purchases of or commitments to purchase an industrial resource or a critical technology item, for Government use or resale; and

"(B) for the encouragement of exploration, development, and mining of critical and strategic materials, and other materials.

"(2) Purchases for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced except insofar as such domestically produced supply may be purchased for resale for industrial use or stockpiling.

"(3) No commodity purchased under this subsection shall be sold at less than—

"(A) the established ceiling price for such commodity, except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower, or

"(B) if no ceiling price has been established, the higher of—

"(i) the current domestic market price for such commodity; or

"(ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation as provided in section 407 of the Agricultural Act of 1949.

"(4) No purchase or commitment to purchase any imported agricultural commodity shall specify a delivery date which is more than one year after the expiration of this section.

"(5) Except as provided in paragraph (7), the President may not execute a contract under this subsection unless the President determines that—

"(A) the industrial resource or critical technology item is essential to the national defense;

"(B) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed industrial resource or critical technology item in a timely manner;

"(C) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need; and

"(D) the combination of the United States national defense demand and foreseeable nondefense demand for the industrial resource or critical technology item is equal to, or greater than, the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action.

"(6) Except as provided in paragraph (7), the President shall take no action under this section unless the industrial resource shortfall which such action is intended to correct has been identified in the Budget of the United States or amendments thereto, submitted to the Congress and accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence. Any such action may be taken only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to the preceding sentence. If the taking of any action or actions under this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $50,000,000, any such action or actions may be taken only if specifically authorized by law.

"(7) The requirements of paragraphs (1) through (6) may be waived—

"(A) during periods of national emergency declared by Congress or the President; or

"(B) upon a determination by the President, on a nondelegable basis, that a specific guarantee is necessary to avert an industrial resource or critical technology shortfall that would severely impair national defense capability.".

(2) Section 303(b) of the Defense Production Act of 1950 (50 U.S.C. 2093(b)) is amended by striking "September 30, 1995" and inserting "a date that is not more than 10 years from the date such purchase, purchase commitment, or sale was initially made".

(d) DEVELOPING SUBSTITUTES.—Section 303(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(g)) is amended by inserting before the period the following: "and for the production readiness of critical technology products and processes".

SEC. 122. DEFENSE PRODUCTION ACT FUND.

Section 304 of the Defense Production Act of 1950 (50 U.S.C. App. 2094) is amended to read as follows:

"SEC. 304. DEFENSE PRODUCTION ACT FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the Defense Production Act Fund (hereafter in this section referred to as 'the Fund').

"(b) MONEYS IN FUND.—The following moneys shall be credited to the Fund:

"(1) All moneys appropriated after September 30, 1991, for the Fund, as authorized by section 711(c).

"(2) All moneys received after September 30, 1991, on transactions entered into pursuant to section 303.

"(c) USE OF FUND.—The Fund shall be available to carry out the provisions and purposes of this title, subject to the limitations set forth in this Act and in appropriations Acts.

"(d) DURATION OF FUND.—Moneys in the Fund shall remain available until expended.

"(e) FUND BALANCE.—The Fund balance at the close of each fiscal year shall not exceed $400,000,000, excluding any moneys appropriated to the Fund during that fiscal year or obligated funds. If at the close of any fiscal year the Fund balance exceeds such amount, the amount in excess of $400,000,000 shall be paid into the general fund of the Treasury.

"(f) FUND MANAGER.—The Secretary of Defense shall designate a Fund manager. The duties of the Fund manager shall include—

"(1) determining the liability of the Fund in accordance with subsection (g);

"(2) ensuring the visibility and accountability of transactions engaged in through the Fund to the Secretaries of Defense, Treasury, and Commerce, and to the Congress; and

"(3) reporting to Congress each year regarding fund activities during the previous fiscal year.

"(g) LIABILITIES AGAINST FUND.—When any agreement entered into pursuant to this title after December 31, 1991, imposes contingent liabilities upon the United States, such liability shall be considered an obligation against the Fund.".

SEC. 123. OFFSET POLICY.

Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by adding a new subsection (a) as follows:

"(a) OFFSET POLICY.—

"(1) IN GENERAL.—Recognizing that certain offsets for military exports are economically inefficient and market distorting, and mindful of the need to minimize the adverse effects of offsets in military exports while ensuring that the ability of United States firms to compete for military export sales is not undermined, it shall be the policy of the United States Government that—

"(A) no agency of the United States Government shall encourage, enter directly into, or commit United States firms to any offset arrangement in connection with the sale of defense goods or services to foreign governments;

"(B) United States Government funds shall not be used to finance offsets in security assistance transactions except in accordance with policies and procedures that were in existence as of September 30, 1991;

"(C) nothing in this section shall prevent agencies of the United States Government from fulfilling obligations incurred through international agreements entered into before September 30, 1991; and

"(D) the decision whether to engage in offsets, and the responsibility for negotiating and implementing offset arrangements, resides with the companies involved.

"(2) PRESIDENTIAL APPROVAL OF EXCEPTIONS.—The President may approve an exception to the policy stated by paragraph (1) after receiving the recommendation of the National Security Council.

"(3) CONSULTATION.—The President shall designate the Secretary of Defense, in coordination with the Secretary of State, to lead an interagency team to consult with foreign nations on limiting the adverse effects of offsets in defense procurement. The President shall transmit an annual report on the results of these consultations to the Congress as part of the report required under subsection (b).".

SEC. 124. ANNUAL REPORT ON IMPACT OF OFFSETS.

Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099) (as amended by section 123 of this Act) is amended—

(1) in subsection (b) (as so redesignated by section 123(1) of this part)

(A) by striking "(b) REPORT REQUIRED.—Not later" and inserting:

"(b) ANNUAL REPORT ON IMPACT OF OFFSETS.—

"(1) REPORT REQUIRED.—Not later";

(B) by striking the second sentence; and

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

"(2) DUTIES OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce shall—

"(A) prepare the report required by paragraph (1);

"(B) consult with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative in connection with the preparation of such report; and

"(C) function as the President's Executive Agent for carrying out the requirements of this section.";

(2) by amending subsection (c) (as so redesignated by section 123(1) of this part) to read as follows:

"(c) INTERAGENCY STUDIES AND RELATED DATA.—

"(1) PURPOSE OF REPORT.—Each report required under subsection (b) shall identify the cumulative effects (indirect as well as direct) of offset agreements on—

"(A) the full range of domestic defense productive capability (with special attention to the firms serving as lower-tier subcontractors or suppliers); and

"(B) the domestic defense technology base as a consequence of the technology transfers associated with such offset agreements.

"(2) USE OF DATA.—Data developed or compiled by any agency while conducting any interagency study or other independent study or analysis shall be made available to the Secretary of Commerce to facilitate the Secretary in executing the Secretary's responsibilities with respect to trade offset and countertrade policy development."; and

(3) by adding at the end the following new subsections:

"(d) NOTICE OF OFFSET AGREEMENTS.—

"(1) IN GENERAL.—If a United States firm enters into a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm and such contract is subject to an offset agreement exceeding $5,000,000 in value, such firm shall furnish to the official designated in the regulations promulgated pursuant to paragraph (2) information concerning such sale.

"(2) REGULATIONS.—The information to be furnished shall be prescribed in regulations promulgated by the Secretary of Commerce. Such regulations shall provide protection from public disclosure for such information, unless public disclosure is subsequently specifically authorized by the firm furnishing the information.

"(e) CONTENTS OF REPORT.—

"(1) IN GENERAL.—Each report under subsection (b) shall include—

"(A) a net assessment of the elements of the industrial base and technology base covered by the report;

"(B) recommendations for appropriate remedial action under the authorities provided by this Act, or other law or regulations;

"(C) a summary of the findings and recommendations of any interagency studies conducted during the reporting period under subsection (c);

"(D) a summary of offset arrangements concluded during the reporting period for which information has been furnished pursuant to subsection (d); and

"(E) a summary and analysis of any bilateral and multilateral negotiations relating to use of offsets completed during the reporting period.

"(2) ALTERNATIVE FINDINGS OR RECOMMENDATIONS.—Each report shall include any alternative findings or recommendations offered by any departmental Secretary, agency head, or the United States Trade Representative to the Secretary of Commerce.

"(f) UTILIZATION OF ANNUAL REPORT IN NEGOTIATIONS.—The findings and recommendations of the reports required by subsection (b) , and any interagency reports and analyses shall be considered by representatives of the United States during bilateral and multilateral negotiations to minimize the adverse effects of offsets.".

SEC. 125. CIVIL-MILITARY INTEGRATION.

Title III of the Defense Production Act of 1950 is amended by adding at the end the following new section:

"SEC. 310. CIVIL-MILITARY INTEGRATION.

"An important purpose of this title is the creation of production capacity that will remain economically viable after guarantees and other assistance provided under this title have expired.".

SEC. 126. TESTING, QUALIFICATION, AND INCORPORATION OF MATERIALS FOR USE FOR WEAPON SYSTEMS AND DEVELOPMENT PROGRAMS.

Title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) is amended by adding at the end the following new section:

"SEC. 311. TESTING, QUALIFICATION, AND INCORPORATION OF MATERIALS FOR USE FOR WEAPON SYSTEMS AND DEVELOPMENT PROGRAMS.

"The President shall, within 12 months after the date of the enactment of the Defense Production Act Amendments of 1950, take those measures necessary to ensure—

"(1) that all materials manufactured with assistance provided under sections 301, 302, or 303 are tested for qualification for use in the production of existing and future weapon systems and existing and future development programs, and

"(2) that all materials manufactured with assistance provided under sections 301, 302, or 303 and qualified under paragraph (1) are used and incorporated into the production of existing and future weapon systems and existing and future development programs.".

PART D—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

SEC. 131. SMALL BUSINESS.

Section 701 of the Defense Production Act of 1950 (50 U.S.C. App. 2151) is amended to read as follows:

"SEC. 701. SMALL BUSINESS.

"(a) PARTICIPATION.—Small business concerns, including businesses owned by women and business owned by minorities, shall be given the maximum practicable opportunity to participate as contractors, and subcontractors at various tiers, in all programs to maintain and strengthen the Nation's industrial base and technology base undertaken pursuant to this Act.

"(b) ADMINISTRATION OF ACT.—In administering the programs, implementing regulations, policies, and procedures under this Act, requests, applications, or appeals from small business concerns, including business concerns owned by women and minorities, shall, to the maximum extent practicable, be expeditiously handled.

"(c) ADVISORY COMMITTEE PARTICIPATION.—Representatives of small business concerns, including business concerns owned by women and minorities, shall be afforded the maximum opportunity to participate in such advisory committees as may be established pursuant to the provisions of this Act.

"(d) INFORMATION.—Information about the Act and activities under the Act shall be made available to small business concerns, including business concerns owned by women and minorities.

"(e) ALLOCATIONS UNDER SECTION 101.—Whenever the President makes a determination to exercise any authority to allocate any material pursuant to section 101 of this Act, small business concerns, including business concerns owned by women and minorities, shall be accorded, so far as practicable, a fair share of such material, in proportion to the share received by such business concerns under normal conditions, giving such special consideration as may be possible to new small business concerns, including business concerns owned by women and minorities, or individual firms facing undue hardship.".

SEC. 132. DEFINITIONS.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended to read as follows:

"SEC. 702. DEFINITIONS.

"As used in this Act—

"(1) CRITICAL COMPONENT.—The term 'critical component' includes such components, subsystems, systems, and related special tooling and test equipment essential to the production, repair, maintenance, or operation of weapon systems or other items of military equipment as are identified by the Secretary of Defense as being essential to the execution of the national security strategy of the United States. Additionally, the Secretary shall take into account those components identified as critical by a National Security Assessment or Presidential determination as a result of a petition filed under section 232 of the Trade Expansion Act of 1962 when identifying critical components.

"(2) CRITICAL INDUSTRY FOR NATIONAL SECURITY.—The term 'critical industry for national security' means any industry (or industry sector) identified pursuant to section 2503(6) of title 10, United States Code, and such other industries or industry sectors as may be designated by the President as essential to provide industrial resources required for the execution of the national security strategy of the United States.

"(3) CRITICAL TECHNOLOGY.—The term 'critical technology' includes any technology that is included in 1 or more of the plans submitted pursuant to section 2508 of title 10, United States Code (unless subsequently deleted), or such other emerging or dual use technology as may be designated by the President.

"(4) CRITICAL TECHNOLOGY ITEM.—The term 'critical technology item' shall mean materials directly employing, derived from, or utilizing a critical technology.

"(5) DEFENSE CONTRACTOR.—The term 'defense contractor' means any person who enters into a contract with the United States to furnish materials, industrial resources, or a critical technology, or to perform services for the national defense.

"(6) DOMESTIC DEFENSE INDUSTRIAL BASE.—The term 'domestic defense industrial base' means domestic sources which are providing, or which would be reasonably expected to provide, materials or services to meet national defense requirements during war or national emergency.

"(7) DOMESTIC SOURCE.—The term 'domestic source' means a business entity—

"(A) that performs in the United States or Canada substantially all of the research and development, engineering, manufacturing, and production activities required of such firm under a contract with the United States relating to a critical component or a critical technology item, and

"(B) that procures from entities described in subparagraph (A) substantially all of the components and assemblies required under a contract with the United States relating to a critical component or critical technology item.

"(8) ESSENTIAL WEAPON SYSTEM.—The term 'essential weapon system' shall mean a major weapon system and other items of military equipment identified by the Secretary of Defense as being essential to the execution of the national security strategy of the United States.

"(9) FACILITIES.—The term 'facilities' includes all types of buildings, structures, or other improvements to real property (but excluding farms, churches or other places of worship, and private dwelling houses), and services relating to the use of any such building, structure, or other improvement.

"(10) FOREIGN SOURCE.—The term 'foreign source' means a business entity other than a 'domestic source'.

"(11) INDUSTRIAL RESOURCES.—The term 'industrial resources' means materials, services, processes, or manufacturing equipment (including the processes, technologies, and ancillary services for the use of such equipment) needed to establish or maintain an efficient and modern national defense industrial capacity.

"(12) MATERIALS.—The term 'materials' includes—

"(A) any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and

"(B) any technical information or services ancillary to the use of any such materials, commodities, articles, components, products, or items.

"(13) NATIONAL DEFENSE.—The term 'national defense' means programs for military and energy production or construction, military assistance to any foreign nation, stockpiling, space, and any directly related activity.

"(14) PERSON.—The term 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative thereof, or any State or local government or agency thereof.

"(15) SERVICES.—The term 'services' includes any effort that is needed or incidental to—

"(A) the development, production, processing, distribution, delivery, or use of an industrial resource or a critical technology item, or

"(B) the construction of facilities.".

SEC. 133. REGULATIONS AND ORDERS.

Section 704 of the Defense Production Act of 1950 (50 U.S.C. App. 2154) is amended to read as follows:

"SEC. 704. REGULATIONS AND ORDERS.

"Subject to section 709, the President may prescribe such regulations and issue such orders as the President may determine to be appropriate to carry out the provisions of this Act.".

SEC. 134. INFORMATION ON THE DEFENSE INDUSTRIAL BASE.

The Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) is amended by adding at the end the following new section:

"SEC. 722. DEFENSE INDUSTRIAL BASE INFORMATION SYSTEM.

"(a) ESTABLISHMENT REQUIRED.—

"(1) IN GENERAL.—The President, acting through the Secretary of Defense and the heads of such other Federal agencies as the President may determine to be appropriate, shall provide for the establishment of an information system on the domestic defense industrial base which—

"(A) meets the requirements of this section; and

"(B) includes a systematic continuous procedure to collect and analyze information necessary to evaluate—

"(i) the adequacy of domestic industrial capacity and capability in critical components, technologies, and technology items essential to the national security of the United States;

"(ii) dependence on foreign sources for industrial parts, components, and technologies essential to defense production; and

"(iii) the reliability of foreign source supply of critical components and technologies.

"(2) INCORPORATION OF DINET.—The defense information network (DINET), as established and maintained by the Secretary of Defense on the date of the enactment of the Defense Production Act Amendments of 1991, shall be incorporated into the system established pursuant to paragraph (1).

"(3) USE OF INFORMATION.—Information collected and analyzed under the procedure established pursuant to paragraph (1) shall constitute a basis for making any determination to exercise any authority under this Act and a procedure for using such information shall be integrated into the decisionmaking process with regard to the exercise of any such authority.

"(b) SOURCES OF INFORMATION.—

"(1) FOREIGN DEPENDENCE.—

"(A) SCOPE OF INFORMATION REVIEW.—The procedure established to meet the requirement of subsection (a)(1)(B)(ii) shall address defense production with respect to the operations of prime contractors and at least the first 2 tiers of subcontractors, or when a critical component (as that term is defined by section 702(1)) is identified at a lower tier.

"(B) USE OF EXISTING DATA COLLECTION AND REVIEW CAPABILITIES.—To the extent feasible and appropriate, the President shall build upon existing methods of data collection and analysis and shall integrate information available from intelligence agencies with respect to industrial and technological conditions in foreign countries.

"(C) INITIAL EMPHASIS ON PRIORITY LISTS.—In establishing the procedure referred to in subparagraph (A), the Secretary may place initial emphasis on the production of parts and components relating to priority lists such as the Commanders' in Chief Critical Items List, those components identified as critical by a National Security Assessment or Presidential determination

as a result of a petition filed under section 232 of the Trade Expansion Act of 1962, and the technologies identified as critical in the annual defense critical technologies plan submitted pursuant to section 2508 of title 10, United States Code.

"(2) PRODUCTION BASE ANALYSIS.—

"(A) TOP-TO-BOTTOM REVIEW.—Effective on or after October 1, 1991, the analysis of the production base for any major procurement project which is included in the information system maintained pursuant to subsection (a) shall, in addition to any information and analyses the President may require—

"(i) include a review of all levels of acquisition and production, beginning with any raw material, special alloy, or composite material involved in the production and ending with the completed product;

"(ii) identify each contractor and subcontractor at each level of acquisition and production with respect to such project which represents a potential for delaying or preventing the production and acquisition, including the identity of each contractor or subcontractor whose contract qualifies as a foreign source or sole source contract and any supplier which is a foreign or sole source for any item required in the production, including critical components (as that term is defined by section 702(1)); and

"(iii) include information to permit appropriate management of accelerated or surge production.

"(B) INITIAL REQUIREMENT FOR STUDY OF PRODUCTION BASES FOR NOT MORE THAN 6 MAJOR WEAPON SYSTEMS.—In establishing the information system under subsection (a), the President, acting through the Secretary of Defense, shall require an analysis of the production base for not more than 2 weapons of each military department which are major systems (as defined in section 2302(5) of title 10, United States Code). Each major system study shall include in the analysis a determination of critical components of that system.

"(3) CONSULTATION REGARDING THE CENSUS OF MANUFACTURERS.—

"(A) IN GENERAL.—The Secretary of Commerce, acting through the Bureau of the Census, shall consult with the Secretary of Defense and the Director of the Federal Emergency Management Agency with a view to improving the application of information derived from the Census of Manufacturers to the purposes of this section.

"(B) ISSUES TO BE ADDRESSED.—Such consultations shall address improvements in the level of detail, timeliness, and availability of input and output analyses derived from the Census of Manufacturers necessary to facilitate the purposes of this section.

"(c) STRATEGIC PLAN FOR DEVELOPING COMPREHENSIVE SYSTEM.—

"(1) PLAN REQUIRED.—Not later than December 31, 1992, the President shall provide for the establishment of and report to Congress on a strategic plan for developing a cost-effective, comprehensive information system capable of identifying on a timely, ongoing basis vulnerability in critical components, technologies, and technology items.

"(2) ASSESSMENT OF CERTAIN PROCEDURES.—In establishing plan under paragraph (1), the President shall assess the performance and cost-effectiveness of procedures implemented under subsection (b) and shall seek to build upon such procedures as appropriate.

"(d) CAPABILITIES OF SYSTEM.—

"(1) IN GENERAL.—In connection with the establishment of the information system under subsection (a), the President shall direct the Secretary of Defense, the Secretary of Commerce, and the heads of such other Federal agencies as the President may determine to be appropriate to—

"(A) consult with each other and provide such information, assistance, and cooperation as may be necessary to establish and maintain the information system in a manner which allows the coordinated and efficient entry of information on the domestic defense industrial base into, and the withdrawal, subject to the protection of proprietary data, of information on the domestic defense industrial base from the system on an on-line interactive basis by the Department of Defense;

"(B) assure access to the information on the system, as appropriate, by all participating Federal agencies, including each military department;

"(C) coordinate standards, definitions, and specifications for information on defense production which is collected by the Department of Defense and the military departments so that such information can be used by any Federal agency or department which the President determines to be appropriate; and

"(D) assure that the information in the system is updated, as appropriate, with the active assistance of the private sector.

"(2) TASK FORCE ON MILITARY-CIVILIAN PARTICIPATION.—Upon the establishment of the information system under subsection (a), the President shall convene a task force consisting of the Secretary of Defense, the Secretary of Commerce, the Secretary of each military department, and the heads of such other Federal agencies and departments as the President may determine to be appropriate to establish guidelines and procedures to ensure that all Federal agencies and departments which acquire information with respect to the domestic defense industrial base are fully participating in the system, unless the President determines that all appropriate Federal agencies and departments, including each military department, are voluntarily providing information which is necessary for the system to carry out the purposes of this Act and chapter 148 of title 10, United States Code.

"(e) REPORT ON SUBCONTRACTOR AND SUPPLIER BASE.—

"(1) REPORT REQUIRED.—At the times required under paragraph (4), the President shall issue a report which includes—

"(A) a list of critical components, technologies, and technology items for which there is found to be inadequate domestic industrial capacity or capability; and

"(B) an assessment of those subsectors of the economy of the United States which—

"(i) support production of any component, technology, or technology item listed pursuant to paragraph (1); or

"(ii) have been identified as being critical to the development and production of components required for the production of weapons, weapon systems, and other military equipment essential to the national defense.

"(2) MATTERS TO BE CONSIDERED.—The assessment made under paragraph (1)(B) shall consider—

"(A) the capacity of domestic sources, especially commercial firms, to fulfill peacetime requirements and graduated mobilization requirements for various items of supply and services;

"(B) any trend relating to the capabilities of domestic sources to meet such peacetime and mobilization requirements;

"(C) the extent to which the production or acquisition of various items of military material is dependent on foreign sources; and

"(D) any reason for the decline of the capabilities of selected sectors of the United States economy necessary to meet peacetime and mobilization requirements, including stability of defense requirements, acquisition policies, vertical integration of various segments of the industrial base, superiority of foreign technology and production efficiencies, foreign government support of nondomestic sources, and offset arrangements.

"(3) POLICY RECOMMENDATIONS.—The report may provide specific policy recommendations to correct deficiencies identified in the assessment, which would help to strengthen domestic sources.

"(4) TIME FOR ISSUANCE.—The report required by paragraph (1) shall be issued not later than July 1 of each odd-numbered year which begins after 1991, based upon data from the prior fiscal year and such prior fiscal years as may be appropriate.

"(5) RELEASE OF UNCLASSIFIED REPORT.—The report required by this subsection may be classified. An unclassified version of the report shall be available to the public.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for purposes of this section not more than $10,000,000, to remain available until expended, of which not more than $3,000,000 shall be available for the purposes of subsection (b)(2).".

SEC. 135. PUBLIC PARTICIPATION IN RULEMAKING.

(a) IN GENERAL.—Section 709 of the Defense Production Act of 1950 (50 U.S.C. 2159) is amended to read as follows:

"SEC. 709. PUBLIC PARTICIPATION IN RULEMAKING.

"(a) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT.—Any regulation prescribed or order issued under this Act shall not be subject to sections 551 through 559 of title 5, United States Code.

"(b) OPPORTUNITY FOR NOTICE AND COMMENT.—

"(1) IN GENERAL.—Except as provided in subsection (c), any regulation prescribed or order issued under this Act shall be published in the Federal Register and opportunity for public comment shall be provided for not less than 30 days, consistent with the requirements of section 553(b) of title 5, United States Code.

"(2) WAIVER FOR TEMPORARY PROVISIONS.—The requirements of paragraph (1) may be waived, if—

"(A) the officer authorized to prescribe the regulation or issue the order finds that urgent and compelling circumstances make compliance with such requirements impracticable;

"(B) the regulation is prescribed or order is issued on a temporary basis; and

"(C) the publication of such temporary regulation or order is accompanied by the finding made under clause (A) (and a brief statement of the reasons for such finding) and an opportunity for public comment is provided for not less than 30 days of public comment before any regulation or order becomes final.

"(3) All comments received during the public comment period specified pursuant to paragraph (1) or (2) shall be considered and the publication of the final regulation or order shall contain written responses to such comments.

"(c) PUBLIC COMMENT ON PROCUREMENT REGULATIONS.—Any procurement policy, regulation, procedure, or form (including any amendment or modification of any such policy, regulation, procedure, or form) issued under this Act shall be subject to section 22 of the Office of Federal Procurement Policy Act.".

(b) SCOPE OF APPLICATION.—Section 709 of the Defense Production Act of 1950 (50 U.S.C. App. 2159), as amended by subsection (a) of this section, shall not apply to any regulation prescribed or order issued in proposed or final form on or before the date of enactment of this Act.

PART E—TECHNICAL AMENDMENTS

SEC. 141. TECHNICAL CORRECTION.

Section 301(e)(2)(B) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(2)(B)) is

amended by striking "and to the Committees on Banking and Currency of the respective Houses" and inserting "and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives".

SEC. 142. INVESTIGATIONS; RECORDS; REPORTS; SUBPOENAS.

Section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155) is amended—

(1) in subsection (a), by striking "subpena" and inserting "subpoena";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "$1,000" and inserting "$10,000"; and

(4) in subsection (d) (as redesignated by paragraph (2)), by striking all after the first sentence.

SEC. 143. EMPLOYMENT OF PERSONNEL.

(a) NOTICE OF APPOINTMENT AND FINANCIAL DISCLOSURE FOR EMPLOYEES SERVING WITHOUT COMPENSATION.—Section 710(b)(6) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)(6)) is amended to read as follows:

"(6) NOTICE AND FINANCIAL DISCLOSURE REQUIREMENTS.—

"(A) PUBLIC NOTICE OF APPOINTMENT.—The head of any department or agency who appoints any individual under this subsection shall publish a notice of such appointment in the Federal Register, including the name of the appointee, the employing department or agency, the title of the appointee's position, and the name of the appointee's private employer.

"(B) FINANCIAL DISCLOSURE.—Any individual appointed under this subsection who is not required to file a financial disclosure report pursuant to section 101 of the Ethics in Government Act of 1978, shall file a confidential financial disclosure report pursuant to section 107 of such Act with the appointing department or agency.".

(b) TECHNICAL AMENDMENTS.—Section 710(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)) is amended—

(1) in paragraph (7)—

(A) by striking "Chairman of the United States Civil Service Commission" and inserting "Director of the Office of Personnel Management"; and

(B) by striking "and the Joint Committee on Defense Production"; and

(2) in paragraph (8), by striking "transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes and regular places of business pursuant to such appointment" and inserting "reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions for which they were appointed in the same manner as persons employed intermittently in the Federal Government are allowed expenses under section 5703 of title 5, United States Code".

SEC. 144. TECHNICAL CORRECTION.

Section 711(a)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended by striking "Bureau of the Budget" and inserting "Office of Management and Budget".

PART F—REPEALERS AND CONFORMING AMENDMENTS

SEC. 151. SYNTHETIC FUEL ACTION.

Section 307 of the Defense Production Act of 1950 (50 U.S.C. App. 2097) is amended—

(1) in subsection (b), by striking the 2d sentence; and

(2) by striking subsection (c) and all that follows through the end of the section.

SEC. 152. REPEAL OF INTEREST PAYMENT PROVISIONS.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) by striking subsection (b),

(2) in subsection (a)—

(A) by striking "(a)(1) Except as provided in paragraph (2) and paragraph (4)" and inserting "(a) Except as provided in subsection (c)",

(B) in the parenthetical by striking "and for the payment of interest under subsection (b) of this section",

(C) by striking paragraph (2),

(D) by redesignating paragraph (3) as subsection (b), and

(E) in paragraph (4)—

(i) by striking subparagraph (B), and

(ii) by redesignating the remainder of paragraph (4) as subsection (c).

SEC. 153. JOINT COMMITTEE ON DEFENSE PRODUCTION.

Section 712 of the Defense Production Act of 1950 (50 U.S.C. App. 2162) is repealed.

SEC. 154. PERSONS DISQUALIFIED FOR EMPLOYMENT.

Section 716 of the Defense Production Act of 1950 (50 U.S.C. App. 2165) is repealed.

SEC. 155. FEASIBILITY STUDY ON UNIFORM COST ACCOUNTING STANDARDS; REPORT SUBMITTED.

Section 718 of the Defense Production Act of 1950 (50 U.S.C. App. 2167) is repealed.

SEC. 156. NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES.

Section 720 of the Defense Production Act of 1950 (50 U.S.C. App. 2169) is repealed.

PART G—REAUTHORIZATION OF SELECTED PROVISIONS

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

Section 711(c) of the Defense Production Act of 1950 (as amended by section 152 of this Act) is amended to read as follows:

"(c) There are authorized to be appropriated for each of fiscal years 1992, 1993, and 1994 not to exceed $200,000,000 to carry out the provisions of title III of this Act.".

SEC. 162. EXTENSION OF PROGRAM.

The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "September 30, 1991" and inserting "September 30, 1994".

SEC. 163. QUADRENNIAL REPORT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following new subsection:

"(i) QUANDRENNIAL REPORT.—

"(1) IN GENERAL.—Not later than the date which is 1 year after the date of the enactment of the Defense Production Act Amendments of 1991, and every 4 years after that date, the Secretary of the Treasury shall complete and submit to the Congress a report which—

"(A) evaluates whether there is credible evidence of a coordinated strategy by one or more countries or companies to acquire United States companies, or significant control of United States industries, involved in research, development, or production of critical technologies for which the United States is a leading producer; and

"(B) evaluates whether there are industrial espionage activities directed by foreign governments against private United States companies for the purpose of obtaining commercial secrets related to critical technologies.

"(2) CLASSIFIED REPORTS.—

"(A) IN GENERAL.—The reports required by this subsection may be classified.

"(B) UNCLASSIFIED VERSIONS.—An unclassified version of each report required by this subsection shall be available to the public.".

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: After Title I, Sec. 108(a), insert the following:

In awarding authorized contracts under this Act, the President shall provide a strong preference for those small businesses located in areas of high unemployment and/or areas that demonstrate a continuing pattern of economic decline as identified by the Secretary of Labor.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, on this bill I want to commend the committee for a very fine policy of setting a preference for the small business contractors and subcontractors of our Nation so that they would be eligible for and would get a preference from our President for some of these awards.

The Traficant amendment simply takes that amendment and that language a step further. It says that the President shall also give preference to those small businesses located in areas of high economic decline and unemployment and continuing patterns of economic decline characterized by high unemployment, as defined by our Secretary of Labor. I say to the members of the committee, the respective committees, the two respective authorizing agencies, that this is good procurement type language. It will not only help get some contracts into the small business community but into those small business communities in those areas that have suffered the greatest decline of economic opportunities and jobs lost.

□ 1510

Mr. Chairman, I would appreciate the support of Members on this amendment.

Mr. CARPER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the chairman of the subcommittee.

Mr. CARPER. Mr. Chairman, I thank the gentleman for sharing his amendments with me. I wish the gentleman might have done it a little earlier in this process. But this gentleman is inclined to accept the amendment, and, once we get to conference, to work with the gentleman from Ohio [Mr. TRAFICANT] to make modifications, if it is necessary to do so. I am interested in trying to work with you.

Mr. PAXON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New York.

Mr. PAXON. Mr. Chairman, I have no objection to the amendment, and would concur in the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate title II.

The text of title II is as follows:

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

PART A—ENCOURAGING IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE

SEC. 201. RECOGNITION OF MODERNIZED PRODUCTION SYSTEMS AND EQUIPMENT IN CONTRACT AWARD AND ADMINISTRATION.

(a) IN GENERAL.—The single Government-wide Federal Acquisition Regulation, referred to in section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)), shall be amended to specify the circumstances under which an acquisition plan for any major system acquisition, or any other acquisition program designated by the Secretary or agency head responsible for such acquisition, shall provide for contract solicitation provisions which encourage competing offerors to acquire for utilization in the performance of the contract modern industrial facilities and production systems (including hardware and software), and other modern production equipment, that increase the productivity of the offerors and reduce the costs of production.

(b) AUTHORIZED SOLICITATION PROVISIONS.—Contract solicitation provisions referred to in subsection (a) may include any of the following provisions:

(1) An evaluation advantage in making the contract award determination.

(2) A provision for a domestic contractor to share in any demonstrated cost savings that are attributable to increased productivity resulting from the following contractor actions not required by the contract—

(A) the acquisition and utilization of modern industrial facilities and production systems (including hardware and software), and other modern production equipment, for the performance of the contract; or

(B) the utilization of other manufacturing technology improvements in the performance of the contract.

(c) DOMESTIC CONTRACTOR DEFINED.—For purposes of this section and section 202, the term "domestic contractor" has the meaning given to the term "domestic source" in section 702(7) of the Defense Production Act of 1950.

SEC. 202. SUSTAINING INVESTMENT.

It is the sense of the Congress that, in order to encourage investment to maintain our Nation's technological leadership, to preserve the strength of our industrial base, and to encourage contractors to invest in advanced manufacturing technology, advanced production equipment, and advanced manufacturing processes, the Secretary of Defense as part of his implementation of changes to defense acquisition policies pursuant to the Defense Management Review shall consider—

(1) full allowability of independent research and development bid and proposal costs;

(2) appropriate regulatory changes to increase the progress payment rates payable under contracts; and

(3) an increase of not more than 10 percent in the amount which would otherwise be reimbursable to a domestic contractor as the Government's share of costs incurred for the acquisition of production special tooling, production special test equipment, and production special systems (including hardware and software) for use in the performance of the contract.

PART B—MISCELLANEOUS

SEC. 211. DISCOURAGING UNFAIR TRADE PRACTICES.

(a) SUSPENSION OR DEBARMENT AUTHORIZED.—Subpart 9.4 of title 48, Code of Federal Regulations (or any successor regulation) shall be amended to specify the circumstances under which a contractor, who has engaged in an unfair trade practice, as defined in subsection (b), may be found to presently lack such business integrity or business honesty that seriously and directly affects the responsibility of the contractor to perform any contract awarded by the Federal Government or perform a subcontract under such a contract.

(b) DEFINITIONS.—For purposes of this section, the term "unfair trade practice" means the commission of any of the following acts by a contractor:

(1) An unfair trade practice, as determined by the International Trade Commission, for a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

(2) A violation, as determined by the Secretary of Commerce, of any agreement of the group known as the "Coordinating Committee" for purposes of the Export Administration Act of 1979 or any similar bilateral or multilateral export control agreement.

(3) A knowingly false statement regarding a material element of a certification concerning the foreign content of an item of supply, as determined by the Secretary of the department or the head of the agency to which such certificate was furnished.

SEC. 212. EVALUATION OF DOMESTIC DEFENSE INDUSTRIAL BASE POLICY.

(a) CONGRESSIONAL COMMISSION ON THE EVALUATION OF DEFENSE INDUSTRIAL BASE POLICY ESTABLISHED.—There is hereby established a commission to be known as the Congressional Commission on the Evaluation of the Defense Industrial Base Policy (hereafter in this section referred to as the "Commission").

(b) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall develop criteria for maintaining the strength of the domestic defense industrial base for purposes of supporting the national security strategy of the President.

(2) CONSIDERATION OF AGENCY PROCEDURES AND ACTIVITIES.—In developing criteria under paragraph (1), the Commission shall consider, with respect to each Federal agency and department which has any responsibility for maintaining the strength of the domestic defense industrial base—

(A) the extent to which the statutory authority, policies, regulations, organizational arrangements, plans, programs, and budgets of such agency or department are adequate for the purpose of maintaining the strength of the domestic defense industrial base; and

(B) the degree to which such authority, policies, regulations, arrangements, plans, programs, and budgets are being effectively implemented and sufficiently coordinated (within the agency or department and with other Federal agencies and departments).

(3) EVALUATION OF CIVIL-MILITARY INTEGRATION.—The Commission, in developing criteria under paragraph (1) and considering agency procedures and activities under paragraph (2) shall evaluate the feasibility of integrating defense research, development, production, acquisition, and other relevant contracting activities with similar activities in the commercial sector, and the degree to which such integration is being implemented by the agency or department. In particular, the Commission shall review impediments, including elongated procurement lead-times, overly stringent military specifications, and the Federal Government's unlimited rights in software and technical data, which serve to hinder the successful integration of commercial and military activities that provide vital goods and services to the Department of Defense.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members as follows:

(A) 3 members appointed by the Speaker of the House of Representatives (2 of whom shall be appointed upon the recommendation of the majority leader of the House of Representatives and 1 of whom shall be appointed upon the recommendation of the minority leader of the House of Representatives) from among individuals who are especially qualified to serve on the Commission by reason of their education, training, or experience.

(B) 3 members appointed by the President pro tempore of the Senate (2 of whom shall be appointed upon the recommendation of the majority leader of the Senate and 1 of whom shall be appointed upon the recommendation of the minority leader of the Senate) from among individuals who are especially qualified to serve on the Commission by reason of their education, training, or experience.

(C) 3 members appointed by a majority of the members appointed under subparagraphs (A) and (B) from among individuals who are especially qualified to serve on the Commission by reason of their education, training, or experience.

(2) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(B) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) PROHIBITION ON COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Commission shall serve without pay.

(B) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(4) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(5) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission from among the individuals appointed under paragraph (1)(C).

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members.

(d) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—

(A) IN GENERAL.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(B) ADMINISTRATION OF OATHS.—The Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take.

(3) OBTAINING OFFICIAL DATA.—

(A) AUTHORITY TO OBTAIN.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act.

(B) PROCEDURE.—Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish the information requested to the Commission.

(C) USE OF INFORMATION.—The Commission shall be subject to the same limitations with respect to the use or disclosure of any confidential or privileged information, trade secrets, or other proprietary or business-sensitive information which is obtained from any department or agency under this subsection as are applicable to the use or disclosure of such information or secrets by such department or agency.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(e) STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.—

(1) STAFF.—Subject to such regulations as the Commission may prescribe and with the approval of the Commission, the Chairperson may appoint and fix the pay of such personnel as the Chairperson considers appropriate.

(2) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(3) EXPERTS AND CONSULTANTS.—Subject to such regulations as the Commission may prescribe, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the annual rate of basic pay payable for GS-18 of the General Schedule.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(f) DOMESTIC DEFENSE INDUSTRIAL BASE DEFINED.—For the purposes of this section, the term "domestic defense industrial base" means—

(1) the industries in the United States and Canada which at any time are providing national defense materials and services; and

(2) the industries in the United States and Canada which reasonably would be expected to provide national defense materials and services in a time of emergency or war.

(g) REPORT.—The Commission shall submit to the Congress and the President—

(1) an interim report at the end of the 1-year period beginning on the date the Commission first meets with a majority of members present; and

(2) a final report not later than September 1, 1993, on the findings of the Commission under this section with respect to the domestic defense industrial base, together with such recommendations for legislative, administrative, or policy action as the Commission may determine to be appropriate.

(h) TERMINATION.—The Commission shall cease to exist on September 30, 1994.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years 1992, 1993, and 1994 an amount not to exceed $500,000 to carry out the purposes of this section.

The CHAIRMAN. Are there any amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—AMENDMENT TO RELATED LAWS

SEC. 301. ENERGY SECURITY.

(a) CONGRESSIONAL INTEREST MANIFEST IN OTHER LAWS.—The Congress hereby finds that congressional interest in energy security and the availability of energy for defense mobilization, industrial preparedness, and other purposes of the Defense Production Act of 1950 has also been expressed in various statutes enacted since the date of the enactment of such Act, including the provisions of Geothermal Energy Research, Development, and Demonstration Act of 1974, the Biomass Energy and Alcohol Fuels Act of 1980, and the Synthetic Fuels Corporation Act of 1985 which relate to geothermal energy, alcohol, and synthetic fuel projects.

(b) REPORTS REQUIRED.—To assist the Congress in discharging congressional responsibility for energy security and the availability of energy for defense mobilization, industrial preparedness, and other purposes of the Defense Production Act of 1950, the President shall prepare and transmit to the Congress, no less frequently than the end of each odd-numbered year, the projected capacity and potential prospects for the use of alternative and renewable sources of energy for such purposes.

(c) GEOTHERMAL ENERGY PROGRAM.—Section 203 of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1143) (relating to period of guaranties and interest assistance) is amended by striking "1990" and inserting "1993".

The CHAIRMAN. Are there any amendments to title III?

AMENDMENTS OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: After Sec. 304(f)(3), insert the following:

Any individual involved in the operation and/or oversight of this fund shall submit to the Secretary of Defense and the Secretary of Commerce annually during such individual's tenure in such positions—

(1) a statement disclosing personal income and finances which shall be consistent with federal financial disclosure laws relating to federal employees, and;

(2) a statement certifying that no conflict of interest exists with the position occupied by such individual and describing any circumstances that may reasonably be perceived as a conflict of interest, which shall be consistent with federal laws relating to conflict of interest.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, section 304 is a new Production Act fund. It provides money to be used under the authority of this act. It creates a fund manager and a director and staff to oversee and manage that particular process.

The Traficant amendment basically says this: Any staff involved with oversight or management of this fund must, No. 1, the first provision, give full financial disclosure, subject to Federal financial disclosure laws, of their income.

The second provision says that in addition to that disclosure, they must each year give a statement that there exists no conflict of interest with their position of trust and the private sector. In fact, it states explicitly if there appears to be or is a perceived conflict, that they must give detailed and explicit information stating that there is no conflict of interest, subject to the conflict of interest laws that are currently enforced.

So it is a disclosure statement of those employees that are entrusted with the management of the fund and the oversight of the fund. In the second regard it is a statement that there is no conflict of interest, and that these individuals can continue to have the trust of the Congress and report to the Congress that they are in fact servants of the Congress, not colluders that are involved in anything that may be improper.

Mr. CARPER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I would be glad to yield to the subcommittee chairman.

Mr. CARPER. Mr. Chairman, this gentleman is prepared to accept this amendment as well, and I do so.

Mr. PAXON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New York.

Mr. PAXON. Mr. Chairman, on behalf of the minority, we also accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—EFFECTIVE DATES

SEC. 401. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on September 30, 1991.

(b) ACQUISITION POLICIES.—The acquisition policies required by this Act shall be incorporated as part of the Federal Acquisition Regulation within 270 days after enactment. Such policies shall apply to solicitations issued 60 days after such regulations are issued.

The CHAIRMAN. Are there any amendments to title IV?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Insert the following new section at the end of the bill:

SEC. . BUY AMERICAN PROVISIONS.

(A) The Secretary shall insure that the requirements of the Buy American Act of 1933 as amended apply to all procurements made under this Act.

(B) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract made with funds authorized under this title pursu-

ant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, under existing procurement law we have a Buy American Act that was passed in 1933. There is nothing earth shaking about this particular amendment, other than to say in the first section that the Secretary shall ensure that the requirements of the Buy American Act, currently the American procurement policy and law, are applied to all procurements made under this particular act.

But, second of all, it has an expanding provision. The second section deals with prohibition against fraudulent use of "Made in America" labels.

America is being faced with products coming in from China and other nations on the disguise of companies supposedly producing them in this country. They are not.

What the Traficant amendment states is if it is determined by a court or Federal agency that any person has intentionally affixed a label bearing a "Made in America" inscription or any inscription with the same meaning to any product sold in or shipped to the United States that is not made in our country, that person shall be ineligible to receive any contract or subcontract made with funds authorized under the act.

Mr. Chairman, this is language that has been placed on other procurement-type initiatives. It does not infringe upon the Committee on the Judiciary calling for specific penalties, but it does state that that individual would not be eligible to participate in any contract or subcontract made eligible under this particular act.

Mr. Chairman, I think this is a very good amendment. I would hope that the committee would favor the amendment.

Mr. CARPER. Mr. Chairman, will the gentleman yield?

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

Mr. CARPER. Mr. Chairman, this gentleman is prepared to accept this amendment as well, with the same caveat that applied to the first two amendments that the gentleman from Ohio offered. We will work with the gentleman in conference to try to see that if there are some changes needed, that the gentleman has an opportunity to be a part of that.

Mr. TRAFICANT. Mr. Chairman, I appreciate that.

Mr. PAXON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New York.

Mr. PAXON. Mr. Chairman, this gentleman is also not only prepared to support this amendment, but to support it very strongly. I believe it is an incredible outrage to fraudulently use "Made in America" labels on items that are not. Certainly any contractor that would engage in such deception should be made ineligible. So I am very pleased to go along in full support of the position of the gentleman from Ohio [Mr. TRAFICANT] on this amendment.

Mr. TRAFICANT. Mr. Chairman, I appreciate the support of the gentleman from Delaware [Mr. CARPER] and the gentleman from New York [Mr. PAXON].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

Mr. DORGAN of North Dakota. Mr. Chairman, I have an amendment at the desk. Because the gentleman from Ohio [Mr. TRAFICANT] was recognized and we have gone past the section, I would ask unanimous consent to be allowed to offer an amendment to section 2.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

AMENDMENT BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota:

In section 2(b)(2) of the Defense Production Act of 1950, as proposed to be amended by section 101, after the period at the end of the second sentence add the following new sentence: "To further assure the adequate maintenance of the defense industrial base, to the maximum extent possible such supplies should be augmented through reliance on renewable fuels, such as solar, geothermal, and wind energy and ethanol and its derivatives, and on energy conservation measures.".

In section 2(c)(1) of the Defense Production Act of 1950, as proposed to be amended by section 101, after the period at the end of the first sentence insert the following new sentence: "To the maximum extent possible, such dispersal should seek to include such economically depressed regions as urban areas with high unemployment and poverty rates, counties in rural States with high levels of outmigration and job loss, and Indian reservations with severe health and employment problems.".

In section 2 of the Defense Production Act of 1950, as proposed to be amended by section 101—

(1) strike the close quotation marks and the second period at the end of subsection (d), and

(2) add the following new subsection:

"(e) Contracts awarded under provisions of this Act should be awarded to the maximum extent possible to those firms which have not been convicted of defense contract fraud or otherwise debarred or suspended from contracting with the Department of Defense or its constituent agencies.".

Mr. DORGAN of North Dakota (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. DORGAN of North Dakota. Mr. Chairman, I would like to explain the three parts of this amendment I am offering today.

Mr. Chairman, this amendment is an amendment to the policy statement of the bill. With this amendment, in three parts I am trying to make three points. It will represent a form of nonbinding resolution on the three points, and I would like to explain them to Members. We have furnished a copy of this previously to the majority and the minority.

Mr. Chairman, first, as a matter of policy, in my judgment where we can we ought to attempt to use the defense establishment and defense procurement to increase energy independence through renewable fuels use.

Mr. Chairman, I have no other occasions on other bills proposed on the floor of the House that where possible, the Government ought to be the leader in trying to establish a precedent for requiring the use of alternative fuels. I am especially interested in the use of ethanol. I think stretching our energy supplies by using ethanol makes a lot of sense.

Mr. Chairman, I think not only for the Defense Department, but generally speaking for the Federal Government, to the extent we could ask our vehicles, our gasoline-powered engines, to use ethanol-enhanced or other renewable fuels, it would make a lot of sense and provide the right kind of leadership.

It is interesting that at the Federal level we have 500,000 vehicles, 400,000 of which are gasoline-powered vehicles. We could do a lot in stimulating the right kind of energy policy and the use of renewable fuels if we simply said wherever we can in law that this is what we wanted the Federal Government to do, that this is the way we wanted the Federal Government to lead.

So the first piece of this resolution is an attempt to suggest that we use augmented fuels through reliance on renewable fuels, such as solar, geothermal, wind energy, and ethanol.

The second point is to encourage the dispersal of the defense industrial base. That has been something that has been long debated and long sought by Congress, to suggest that in areas of the country where we have high unemployment, economic distress, where we have out-migration, what we ought to do is use the opportunity in our permanent defense establishment to produce products and do the kind of things that

we do on a continuing basis in those areas where we can provide the maximum good by providing new jobs and new employment opportunities. That is the second part of my amendment.

Third, it is very simple. It is to say that to the extent there are contracts awarded under this provision, under the bill, I would like very much for us to not be awarding contracts, wherever it is possible, to those firms that have been convicted of felonies.

Mr. Chairman, I am getting a little tired of reading about a large defense contracting firm that is convicted of a felony on a Friday, and the next week it gets a new contract. In fact, not too long ago we had a newspaper article come out in Washington, a daily paper, that had a story that was fascinating. It was a story about one of our largest defense contractors. Two things were going on about that company here in this town on the same day: Over at the Pentagon they were negotiating an $80 million brandnew contract and they were going to sign it.

□ 1520

Over in Alexandria in the U.S. Prosecutor's Office they were finalizing the felony plea for that same company for a commission of contract fraud. I found that astounding, that the very same company on the same day that is getting a defense contract for $680 million is also downtown in another building pleading guilty on a felony plea for contract fraud.

I would like to see us stop that nonsense. No more of a slap on the wrist and a pat on the back and a new contract. Let us, where we can, really combat contractor fraud and say, "If you are going to commit fraud against the Federal Government, you will not be doing business with us any more."

The language in here is not able to control all the contracting that goes on, and I understand that in some cases we go way down the line on a weapons program and we probably cannot change the contractor next week. I do not have language in here that causes that kind of interruption, but I hope on this point we finally stand up and insist on being heard about contractor fraud.

Those are the three provisions in this amendment, and I would hope the House will consider them favorably.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, during the debate period I had indicated that I would object if indeed the gentleman from North Dakota [Mr. DORGAN] had indeed put forth the second amendment.

After consultation with my colleague, I find although I might have some concerns with regard to the Committee on Armed Services, I think that we can accept the amendment without reservation at this point only, so long as I have the commitment that once we go to conference, we can work out any differences.

Therefore, I want to commend the gentleman for his amendment, and we do not object to it.

Mr. CARPER. Mr. Chairman, if the gentleman will yield, I accept the amendment.

Mr. PAXON. Mr. Chairman, if the gentleman will yield, we have no objections to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to the bill?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GONZALEZ) having assumed the chair, Mr. MURTHA, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3039) to reauthorize the Defense Production Act of 1950, and for other purposes, pursuant to House Resolution 231, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. CARPER. 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 419, nays 3, not voting 10, as follows:

[Roll No. 288]

YEAS—419

Abercrombie	Dornan (CA)	Kanjorski
Ackerman	Dreier	Kasich
Alexander	Duncan	Kennedy
Allard	Durbin	Kennelly
Anderson	Dwyer	Kildee
Andrews (ME)	Dymally	Kleczka
Andrews (NJ)	Early	Klug
Andrews (TX)	Eckart	Kolbe
Annunzio	Edwards (CA)	Kolter
Anthony	Edwards (OK)	Kopetski
Applegate	Edwards (TX)	Kostmayer
Archer	Emerson	Kyl
Aspin	Engel	LaFalce
Atkins	English	Lagomarsino
AuCoin	Erdreich	Lancaster
Bacchus	Espy	Lantos
Baker	Evans	LaRocco
Ballenger	Ewing	Laughlin
Barnard	Fascell	Leach
Barrett	Fazio	Lehman (CA)
Barton	Feighan	Lehman (FL)
Bateman	Fields	Lent
Beilenson	Fish	Levin (MI)
Bennett	Flake	Levine (CA)
Bentley	Foglietta	Lewis (CA)
Bereuter	Ford (MI)	Lewis (FL)
Berman	Frank (MA)	Lewis (GA)
Bevill	Franks (CT)	Lightfoot
Bilbray	Frost	Lipinski
Bilirakis	Gallegly	Livingston
Bliley	Gallo	Lloyd
Boehlert	Gaydos	Long
Boehner	Gejdenson	Lowery (CA)
Bonior	Gekas	Lowey (NY)
Borski	Gephardt	Luken
Boucher	Geren	Machtley
Boxer	Gibbons	Manton
Brewster	Gilchrest	Markey
Brooks	Gillmor	Marlenee
Broomfield	Gilman	Martin
Browder	Gingrich	Martinez
Brown	Glickman	Matsui
Bruce	Gonzalez	Mavroules
Bryant	Goodling	Mazzoli
Bunning	Gordon	McCandless
Burton	Goss	McCloskey
Bustamante	Gradison	McCollum
Byron	Grandy	McCrery
Callahan	Green	McCurdy
Camp	Guarini	McDade
Campbell (CA)	Gunderson	McDermott
Campbell (CO)	Hall (OH)	McEwen
Cardin	Hall (TX)	McGrath
Carper	Hamilton	McHugh
Carr	Hammerschmidt	McMillan (NC)
Chandler	Hancock	McMillen (MD)
Chapman	Hansen	McNulty
Clay	Harris	Meyers
Clinger	Hastert	Mfume
Coble	Hatcher	Michel
Coleman (MO)	Hayes (IL)	Miller (CA)
Coleman (TX)	Hayes (LA)	Miller (OH)
Collins (IL)	Hefley	Miller (WA)
Collins (MI)	Hefner	Mineta
Combest	Henry	Mink
Condit	Herger	Moakley
Conyers	Hertel	Molinari
Cooper	Hoagland	Mollohan
Costello	Hobson	Montgomery
Coughlin	Hochbrueckner	Moody
Cox (CA)	Horn	Moorhead
Cox (IL)	Horton	Moran
Coyne	Houghton	Morella
Cramer	Hoyer	Morrison
Crane	Hubbard	Murphy
Cunningham	Huckaby	Murtha
Dannemeyer	Hughes	Myers
Darden	Hunter	Nagle
Davis	Hutto	Natcher
de la Garza	Hyde	Neal (MA)
DeFazio	Inhofe	Neal (NC)
DeLauro	Ireland	Nichols
DeLay	Jacobs	Nowak
Dellums	James	Nussle
Derrick	Jefferson	Oakar
Dickinson	Jenkins	Oberstar
Dicks	Johnson (CT)	Obey
Dingell	Johnson (SD)	Olin
Dixon	Johnson (TX)	Olver
Donnelly	Johnston	Ortiz
Dooley	Jones (GA)	Orton
Doolittle	Jones (NC)	Owens (NY)
Dorgan (ND)	Jontz	Owens (UT)

Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
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
Sabo
Sanders
Sangmeister
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
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
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
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—3

Armey
Fawell
Penny

NOT VOTING—10

Clement
Downey
Ford (TN)
Holloway
Hopkins
Kaptur
Mrazek
Santorum
Slaughter (VA)
Sundquist

□ 1546

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CARPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3039, the bill just passed.

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

There was no objection.

□ 1550

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2622, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Wednesday, October 2, 1991, to file a conference report on 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.

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

Mr. McDADE. Mr. Speaker, reserving the right to object, and for the benefit and edification of the Members, in order to propound an inquiry to my distinguished colleague, this is the bill which drops the contentious item out of the bill and clears the way for bringing it up on the floor here, is that correct?

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, that is correct.

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

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

There was no objection.

MAKING IN ORDER AT ANY TIME ON THURSDAY, OCTOBER 3, 1991, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of clause 2 of rule XXVIII that it be in order at any time on Thursday, October 3, 1991, or any day thereafter, to consider the conference report amendments in disagreement, and motions to dispose of amendments in disagreement, to 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, and that the conference report and the Senate amendments be considered as read when called up for consideration.

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

There was no objection.

MAKING IN ORDER AT ANY TIME ON THURSDAY, OCTOBER 3, 1991, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2622, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of clause 2 of rule XXVIII, that it be in order at any time on Thursday, October 3, 1991, or any day thereafter, to consider the conference report, amendments in disagreement, and motions to dispose of amendments in disagreement, to 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, and that the conference report and the Senate amendments be considered as read when called up for consideration.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I have asked for this time to proceed so that I might inquire of the distinguished majority leader the program for the balance of this day and the balance of the week.

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

Mr. MICHEL. I am happy to yield to the distinguished majority leader.

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

Our business is finished for today. On tomorrow we will be taking up the conference report on the appropriations bill on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992. That will complete the business for tomorrow.

We will not have a session on Friday.

We will have business on Monday, but no votes on Monday.

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

Then will we find out tomorrow in a further colloquy on the program for next week?

Mr. GEPHARDT. That is correct.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 230

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to have the name of the gentleman from North Carolina [Mr. MCMILLAN] removed from cosponsorship of House Joint Resolution 230. His name was mistakenly listed instead of the gentleman from Maryland [Mr. MCMILLEN].

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

There was no objection.

NATIONAL FIREFIGHTERS DAY

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. 189) designating October 8, 1991, as National Firefighters Day, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to yield to the gentleman from Pennsylvania [Mr. WELDON], who is not only the chief sponsor of House Joint Resolution 189, but the founder and driving force in the creation of the largest congressional caucus, the firefighters caucus.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

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

Mr. Speaker, I would like at this time to thank the gentleman from Ohio [Mr. SAWYER] and the gentleman from Pennsylvania [Mr. RIDGE] for their cooperation in helping us bring this important piece of legislation forward, which will in fact designate October 8 for the first time as National Firefighters Recognition Day, recognizing the 1.8 million men and women across this country who every day provide the support for America's domestic defense. These are the men and women who respond to all our disasters, not just fires, but our plane crashes, our hazmat incidents, our floods, our hurricanes, our tornadoes, and do so without regard to life, limb, or their own well-being.

It is important that we recognize their contribution and dedication to America.

President Bush speaks about a thousand points of light, and we who support the fire service talk about 32,000 points of light, because that is how many fire departments there are in America. In these 32,000 fire departments, comprising 1.8 million men and women, they form a basic element of our society that is the backbone of our Nation and the heart and soul of many of our communities.

This is the first time, Mr. Speaker, that we are able to recognize them, both paid and volunteers, in one day.

It is also important because we are doing this during Fire Prevention Week, which is that week that we set aside in October of each year to remember the importance of changing the batteries in our smoke detectors in our homes and teaching our young children the vital lessons about fire safety.

Recognizing that America still has the worst record of any industrialized nation, with 6,000 people being killed each year and approximately 120 firefighters being killed in the line of duty each year, it is important that we recognize the entire week of Fire Prevention Week, but most importantly, Firefighters Day.

So I thank my colleagues, and I would remind my colleagues here that October 13 at Emmitsburg, MD, the site of the National Fire Academy will again be the annual tribute to fallen firefighters. This year we will be honoring the 120 brave men and women from throughout our country and from across this Nation who gave their lives fighting to protect the lives of others and to protect the property of this great Nation.

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

Mr. RIDGE. I am happy to yield to my colleague, the gentleman from New York.

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

I want to commend the gentleman from Pennsylvania [Mr. WELDON] who is also the chairman of our firemen's caucus for his outstanding work in bringing us all together in the Congress to give appropriate recognition and support and help to our firefighting community out there, the thousands upon thousands of volunteers who each and every day sacrifice their time and energy and often their lives to save property and lives throughout our communities, throughout the Nation. They certainly are symbolic of the thousand points of light that our President so eloquently speaks about from time to time; so I am pleased to join in this resolution and I urge my colleagues to wholeheartedly support it.

□ 1600

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

The SPEAKER pro tempore (Mr. GONZALEZ). 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. 189

Whereas there are over 2,000,000 professional firefighters in the United States;

Whereas firefighters respond to more than 2,300,000 fires and 8,700,000 emergencies other than fires each year;

Whereas fires annually cause nearly 6,000 deaths and $10,000,000,000 in property damages;

Whereas firefighters have given their lives and risked injury to preserve the lives and protect the property of others;

Whereas the contributions and sacrifices of valiant firefighters often go unreported and are inadequately recognized by the public; and

Whereas the work of firefighters deserves the attention and gratitude of all individuals in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 8, 1991, is designated as "National Firefighters Day", 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 the day 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 RADON ACTION WEEK

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. 132) to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week," 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. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the work of our colleague, the gentleman from New Jersey [Mr. ROE], who is the chief sponsor of this resolution.

Mr. ROE. Mr. Speaker, it is my pleasure, as the original sponsor of House Joint Resolution 67 to commend Chairman SAWYER on the passage of the second annual National Radon Action week. I am pleased to have had 218 of my colleagues join me in support of this worthwhile commemorative and want to extend my personal thanks to the ranking minority member of the subcommittee, Congressman RIDGE and to the full committee chairman, the gentleman from Missouri, Congressman WILLIAM CLAY.

With this resolution, joined in effort by my good friend and colleague who serves in the other body, Senator LAUTENBERG, we are once again this year increasing the awareness of the problem of radon and urging Americans to have their homes, schools, and workplaces tested. Although radon is a problem throughout the country, our home State of New Jersey has reported some of the highest levels of radon in the Nation. Indoor radon may result in 8,000 to 40,000 lung cancer deaths annually, according to the U.S. Environmental Protection Agency [EPA].

National Radon Action Week is an effort on behalf of Congress, the EPA, and the American Lung Association to reduce radon exposure. Recent reports released in June by the EPA, state that new standards are necessary to control the health risks imposed by radon in the air and radionuclides found in drinking water.

Radon is a naturally occurring gas, it is second only to smoking as a cause of lung cancer in the Nation. Radon can be so deadly that the EPA and the Surgeon General have strongly recommended that all homes be tested for radon. Alarming as these statistics are,

the problem can be readily and cheaply solved through simple testing and mitigation. Nevertheless, only 6 percent of U.S. homes have been tested so far.

Although the primary health hazard comes from breathing air containing radon, radon in drinking water also serves as a hazard. Radon invades your home from the surrounding soil. In some cases, well water, as recent studies by EPA have shown, can be a major source of radon. Radon in water generally accounts for about 5 percent of the total indoor air concentration in homes with ground water sources of drinking water. It is released into indoor air during household water use such as showering and washing clothes.

Once inside, radon is completely invisible to sight, smell, or taste. Radon can accumulate to dangerously high levels. In fact, as you breathe in radon, its decay products become trapped inside your lungs. As these products continue to decay, they release small bursts of energy which can damage lung tissue and lead to lung cancer. It's like exposing your family to hundreds of chest x rays each year.

The EPA conducts Radon Measure Proficiency [RPM] Program to evaluate companies that make and analyze radon test kits. Therefore, to ensure that you get accurate results, look for test kits from companies that have successfully completed the EPA proficiency program. State radon offices also have a list of all radon measurement companies that are State or EPA approved.

Our family's risk of developing lung cancer from radon depends on the average annual level of radon in your home, and the amount of time they're exposed to it. Obviously, the longer your exposure, or the higher the level of radon in your home the greater the risk. That is why it is so important that your home be tested immediately. Testing as I stated earlier, is simple and inexpensive. The risk involved if you don't test is great. So the sooner you test your home, the sooner you can take appropriate action.

In the Northeast, radon levels are dangerously high in many areas; so EPA strongly recommends that all homeowners protect their property and health by testing for radon. If homeowners have questions they may contact State radon offices as well as EPA's toll free number 1–800–SOS–RADON.

We cannot deny the health risks that radon imposes. I am convinced of the need for each of us to test our homes. Considering the impact that radon may have on our lives, I am proud to be associated with this important effort, and I encourage each of you to join in support of this resolution.

Mr. RIDGE. 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. 132

Whereas exposure to radon poses a serious threat to the health of the people of this Nation;

Whereas the Environmental Protection Agency estimates that lung cancer attributable to radon exposure causes approximately 20,000 deaths a year in the United States;

Whereas the United States has set a long-term national goal of making the air inside buildings as free of radon as the ambient air;

Whereas excessively high levels of radon in homes and schools can be reduced successfully and economically with appropriate treatment;

Whereas only about 2 percent of the homes in this Nation have been tested for radon levels;

Whereas the people of this Nation should be educated about the dangers of exposure to radon; and

Whereas people should be encouraged to conduct tests for radon in their homes and schools and to make the repairs required to reduce excessive radon levels; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 13, 1991, through October 19, 1991, is designated as "National Radon Action Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week 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.

WORLD FOOD DAY

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. 230), designating October 16, 1991, and October 16, 1992, each as "World Food Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. RIDGE. Mr. Speaker, reserving the right to object, under my reservation I yield to our colleague and friend, the gentleman from New York [Mr. GILMAN], who is the chief sponsor of this resolution.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 230, which would designate October 16, 1991, and October 16, 1992, as "World Food Day."

A little over 2 years ago, on August 7, 1989, our friend and colleague the gentleman from Texas, Mickey Leland, and staff of the Select Committee on Hunger, tragically perished during a mission to help some of Africa's needy. Unfortunately, the problems Mickey Leland sought to resolve still daunt us as enormous suffering continues in Africa and elsewhere around the globe.

Volunteers for World Food Day working in coordination with the Select Committee on Hunger have tirelessly worked throughout the years to call attention to hunger. While their efforts have brought to bear increasingly substantial resources, the magnitude of the problem has not changed. Hunger still persists as strong as ever throughout the world.

Since 1979, on October 16, antihunger activists around the world have participated with Patricia Young, the national chairwoman of World Food Day, in efforts designed to educate the public about the problem. I would like to share with my colleagues some facts submitted to me by the Select Committee on Hunger regarding the domestic and international hunger problem.

I ask that the full text of the factsheets on domestic and international hunger be printed in the RECORD at this point and I urge my colleagues to review these statistics and ask for their support for House Joint Resolution 230.

The factsheets referred to are as follows:

DOMESTIC HUNGER FACTS

12.6 million children in the U.S. are poor.

A family of three needs $832.75 per month for subsistence (1989 Federal poverty guidelines), yet as of January 1990, the maximum welfare benefit was less than half this level in 34 states.

The number of children in very poor homes (half the poverty rate) grew from 3.398 million in 1979 to 4.862 million in 1990.

32.2 percent of female headed households are poor.

Children account for 24 percent of the homeless population.

37 percent of homeless persons report eating 1 meal per day or less, and 36 percent report going at least 1 day per week without any nourishment.

A survey of 30 major cities in 1990 reported a 22 percent increase in demand for emergency food assistance and a 24 percent increase in demand for emergency shelter.

3 out of every 4 persons requesting emergency food assistance were either children or their parents.

33.4 million Americans lack health insurance.

The U.S. Infant Mortality Rate was 10 deaths per 1,000 live births in 1988, which ranks the U.S. 21st among industrialized nations.

A recent study on older Americans found that one in four have a household income of less than $10,000, and one in five skip at least one meal a day. Older Americans are the single largest demographic group likely to be at nutritional risk.

INTERNATIONAL HUNGER FACTS

An estimated 1.2 billion people lived in absolute poverty in 1989; 700 million–1 billion suffered chronic food shortages.

An estimated one billion people, roughly 20% of the world's population, are diseased, in poor health or malnourished. In South and East Asia alone, 500 million people or 40% of the population is ill and undernourished.

At present rates, more than 100 million children will die from illness and malnutrition in the 1990s.

Fourteen million children in developing countries die each year; ten million could be saved from death by low-cost, easy to administer treatments for such common causes of child death as diarrhea, respiratory infections, measles, and neonatal tetanus.

With sufficient resources and research, it may be possible to develop a new vaccine

which would be administered only once in infancy and would produce lifelong immunity against a wide range of infectious diseases.

Forty-six million infants are not fully immunized each year against the six major killers—polio, tetanus, measles, diphtheria pertussis and tuberculosis. Three million of these children die every year because they have not been immunized.

Since 1984, the world refugee population has grown from 9 million to more than 16 million in 1990. An equal number of people are displaced from their homes, but still living in their own countries. Third World refugees who face famine and death while fleeing from civil war, or natural disasters find the struggle for survival continues in the refugee camp.

Poverty and the lack of alternatives are the forces which drive rural people to overgraze, over-cut the forests, and overfarm marginal lands, thus, destroying the very basis on which future development depends. Each year farmers lose an estimated 24 billion tons of topsoil in excess of new soil formation.

Mr. RIDGE. Mr. Speaker, further under my reservation of objection, I yield to my colleague, the gentleman from Ohio [Mr. SAWYER], the chairman of the subcommittee.

Mr. SAWYER. I thank my friend and colleague from Pennsylvania for yielding to me, and I take this opportunity to associate myself with the remarks and the effort that our friend, the gentleman from New York [Mr. GILMAN], has made with regard to this important issue.

The question of hunger has, from time immemorial, driven people to make better lives for themselves, or to wage war, or to move across entire continents, and that same motive continues to shape the world in which we live today. But perhaps in no time in living memory has the question of hunger hung more in the balance with regard to the political and quality of life future for 300 million or more people in Central and Eastern Europe and across the Eurasian Continent that it does today.

The efforts that have been made in that troubled part of the world to achieve self-determination, autonomy and political independence and to achieve the measure of freedom and democracy we all hold dear is very much at stake with regard to the ability to feed hundreds of millions of people over the course of what most observers believe will be an enormously difficult winter.

I do not think there could be a more critical time for the gentleman from New York [Mr. GILMAN] to renew the kind of commitment that Members of this Congress have been making over decades, none more so than our friend and colleague, Mickey Leland, in whose memory we rededicate ourselves today.

Mr. Speaker, I just want to thank the gentleman from New York [Mr. GILMAN] for this extraordinary effort and the extraordinary effort that he made today to bring this measure to the floor in a timely way.

Mr. Speaker, it is important far beyond the symbolism of the kind of recognition we give it through this kind of enactment.

I thank the gentleman for yielding.

Mr. RIDGE. Mr. Speaker, further under my reservation of objection, I too would like to thank and commend our colleague, the gentleman from New York [Mr. GILMAN].

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. 230

Whereas hunger and malnutrition remain daily facts of life for hundreds of millions of people in the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States has a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world;

Whereas there is growing concern in the United States and in other countries for environmental protection and the dangers posed to future food security from misuse and overuse of precious natural resources of land, air, and water and the subsequent degradation of the biosphere;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and, therefore, to the security of the United States;

Whereas the United States plays a major role in the development and implementation of interregional food and agricultural trade standards and practices, and recognizes the positive role that food trade can play in enhancing human nutrition and in the alleviation of hunger;

Whereas the United States, as the largest producer and trader of food in the world, plays a key role in assisting countries and people to improve their ability to feed themselves;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, the homeless, and children, remain vulnerable to malnutrition and related diseases;

Whereas the Congress is acutely aware of the paradox of enormous surplus production capacity in the United States despite the desperate need for food by people throughout the world;

Whereas the United States and other countries should develop and continually evaluate national policies concerning food and nutrition to achieve the well-being and protection of all people and particularly those most vulnerable to malnutrition and related diseases;

Whereas the Congress is aware and fully supportive of the 1992 World Conference on Environment and Development and the forthcoming International Conference on Nutrition, and the influence the decisions of these conferences may have on sustainable agricultural development and human well-being;

Whereas private enterprise and the primacy of the independent family farmer have been basic to the development of an agricultural economy in the United States and have made the United States capable of meeting the food needs of most of the people of the United States;

Whereas conservation of natural resources is necessary for the United States to remain the largest producer of food in the world and to continue to aid hungry and malnourished people of the world;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, and by programs of the Department of Agriculture, other Federal departments and agencies, and the governments and peoples of more than 140 other nations;

Whereas nearly 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances in 1991, and a growing number of these organizations and leaders are using such day as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of hungry and malnourished people throughout the world by fasting and donating food and money for such people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1991, and October 16, 1992, are each designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe World Food Day with appropriate ceremonies and activities, including worship services, fasting, education endeavors, and the establishment of year-round food and health programs and policies.

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.

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. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SWORDS INTO PLOWSHARES: LEACH UPDATES EISENHOWER'S ATOMS-FOR-PEACE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, as a complement to the President's arms-restraint initiative announced last Friday, I am today introducing three pieces of legislation. The first calls on the President to give highest priority to negotiating an international ban on trafficking in weapons of mass destruction with individual and corporate accountability perhaps over time before an international criminal court.

□ 1610

The second, Mr. Speaker, calls on the President to negotiate a ban limiting or eliminating Government credits for arms sales. Extraordinarily Iraq did not buy equipment as much as it purloined such with credits from public and private parties. It is time the governments of the world worked to slow down instead of accelerate with credits the arms race.

The third piece of legislation calls on the United States and the Soviet union to enter negotiations to dedicate fissionable materials from dismantled nuclear weapons to peaceful uses. In 1953, President Dwight Eisenhower in his famous atoms-for-peace proposal suggested this would be the most symbolic way to turn swords into plowshares. Experts tell us technologies are available to make such a weapons-to-energy conversion a reality. All that is needed is the political will to make it happen. Arms control to this point in time has dealt with restraining or eliminating certain of the weapon aspects that have to do with trajectory, but nothing to do with the material itself on the warhead, and what I think needs to be done is for the superpowers to take a step that would, as President Eisenhower put it, be dedicating some of their strengths to serve the needs, rather than the fears, of mankind.

NEW DEVELOPMENTS IN THE AIDS EPIDEMIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, in the last week there has been a great deal of renewed interest; I think there has been interest all along, but there has been renewed interest in the AIDS pandemic, epidemic, in this country because of the appearance of Kimberly Bergalis, the young lady who contracted AIDS from her dentist in Florida, and she came and testified before the Congress on the need for a bill to inform patients of their health-care provider's AIDS status prior to them being treated by that health-care provider. It also provided in that legislation that a health-care provider, a doctor, or dentist, or health-care worker who feels they may be working with somebody or working on somebody who has the AIDS virus could require a test of that patient. So, it was a two-way street.

But because of this appearance by Kimberly Bergalis before Congress there has been a heightened awareness of this problem in the last week. Because of that I wanted to take advantage of the situation and bring to the attention of my colleagues and anyone who may be paying attention of some new developments in the AIDS epidemic.

This year, using current methods of determining who has the AIDS virus, active AIDS, we will go over the 200,000 mark of people who are dead or dying from this dread disease. By the end of this year it is estimated that there will be 207,300-plus people dead or dying of the AIDS virus.

Now think about that: 207,000 people dead or dying.

In addition to that, the Centers for Disease Control in Atlanta has said that they are redefining who has active AIDS. They are going to define anyone with fewer than 200 CD4 lymphocytes as a person with active AIDS, and that is estimated to increase the amount of people who are defined as having active AIDS by about 50 percent. So, we are going to have by the end of this year, once this new definition takes effect, over a quarter of a million people in this country dead or dying of this disease. Based upon projections that we came up with back in 1985 and 1986, that means we will have about a million-plus people in this country dead or dying of AIDS by the middle of this decade, by 1995 or 1996.

Mr. Speaker, we are going to have a million or a million and a half people dead or dying of AIDS. The drain on our health resources is going to be dramatic, but I wanted to talk tonight just briefly about a more horrible thought than even the amount of expenditures it is going to take to take care of these people who are dead or dying of AIDS and the impact it is going to have on the health care delivery system of this country, and what I wanted to talk about is the impact it is going to have on the future of this Nation.

According to Gallup Polls that were taken in the last year, the people in their early sexually active years, and those are teenagers, people 14 to age 30, have not changed their attitudes toward sexual involvement since the 1960's. Even though there has been educational material sent to TV stations talking about condoms, and how to have safe sex and everything else, which is a misnomer, the fact of the matter is teenagers, college-age students and young adults have not changed their attitudes about sexual encounters since the mid-1960's.

Now what does that mean? That means that there is going to be a dramatic increase in the number of people with AIDS in their formative years, teenagers. Up till now people believed that the most at-risk population was the homosexual community, and statistics bore that fact out. But it is no longer the case. In fact, in the future the most rapidly growing segment of our population that is going to have the AIDS virus is going to be the people between the ages of 14, 15, 16, up to age 30, and that is the future of this Nation.

Mr. Speaker, those are the producers of tomorrow. That is the future economy of America. And it is going to take a very terrible toll.

Now, unless my colleagues think I may be misleading them, Mr. Speaker and my colleagues, there was an article that was put out by the Associated Press yesterday over the TV and the radio media that talked about this very subject, and I want to quote an Associated Press story. It says:

> The AIDS virus appears to be spreading quickly among poor teen-agers, particularly dropouts, and is reaching especially alarming levels among girls, studies show.
>
> Experts say they have detected a dramatic increase in the level of infection among teenagers over the past year or two.
>
> One study in Washington found that over 1 percent of the city's adolescents are now infected, and the disease appears to be spreading through heterosexual encounters in these youngsters.
>
> "It's a surprise and a concern," said Dr. George A. Conway of the Centers for Disease Control.
>
> Research presented by Conway and others Tuesday at a meeting of the American Society of Microbiology documents increasing rates of infection with HIV, the AIDS virus, in all racial groups, but especially blacks.
>
> The largest amount of new data comes from the Jobs Corps, a job-training program for poor young people, many of them dropouts. Participants, who range in age from 16 to 21, are required to take AIDS tests.
>
> The CDC analyzed results of tests on 51,358 females and 118,086 males from cities and rural areas across the country.
>
> They found that between 1988 and 1990, the infection rate doubled among females and declined slightly among males. Young females are now one and a half times more likely than males to carry the virus.
>
> Conway said the figures show "high and increasing levels of HIV infection" in poor young women.
>
> In the Washington study, Dr. Lawrence G. D'Angelo of Children's Hospital estimated AIDS infections among District of Columbia teen-agers from anonymously drawn blood samples of emergency room patients.

□ 1620

Blood from more than 11,000 youngsters has been tested. The infection rate grew from four-tenths of 1 percent to 1.3 percent. That is a 300-percent increase in the number of young people, percentage-wise, who are getting AIDS in Washington, DC. It is now 1.3 per-

cent of the total population that has the AIDS virus.

He says, and I quote, "We may be facing a heterosexual epidemic." Until now AIDS in the United States has spread primarily in three ways: through homosexual acts, through sharing dirty needles, and from male drug abusers to their female sexual partners.

But now, he says, and I quote again, "We may be facing a heterosexual epidemic."

Five years ago the Centers for Disease Control told the people of this country we had 1.5 million people infected, and that it was doubling every year to a year and a half. The incubation period was from 2 to 10 years, which means simply that people can carry the AIDS virus without any manifestations of the disease, they may not even know they have it, up to 10 years, and during that entire time they can infect other human beings with the virus, thus condemning them to death. And now we know that it is spreading rapidly in the teenage heterosexual community. That portends horrible things for the future if we do not come up with a comprehensive program to deal with it.

So today I would like to say to my colleagues that we have by the end of this year, under the new definitions from CDC and HHS, about 250,000 Americans who are dead or dying of AIDS and we do not have any program to deal with it. These people who are getting AIDS, 97 percent or more of them, do not even know they have it, and they are communicating it to others, and the most sexually active group, the teenagers and the young college students, are practicing the same sexual habits they had back in the 1960's. It is now into the young heterosexual community, and it is going to spread like wildfire unless we do something about it.

For each person that get the AIDS virus, it costs this country and the health community $100,000 to $150,000 from the time they get the disease until they die. If you put a pencil to that, it means that if we get 4 million or 5 million people dead or dying of the AIDS virus, which is likely, we are going to destroy the health-care system in this country or else we are going to have to give much less care to those who are infected with this virus.

We have got to come up with a program. Time and time again I have said that we need a comprehensive program to deal with it, and I want to enumerate the things that need to be done.

The first thing we need to do is to identify those who have the AIDS virus so we can come to some conclusions about how it is spreading, where it is spreading, and who is spreading it, and inform them that they have to change their habits so they no longer infect other people who are not yet infected.

So we need a national testing program to test every adult in this country on an annual basis. We have to know who has the disease before we can attack it, and we will not know for 10 years, for most people, if we do not have the testing, and in 10 years we will have 5 million or 10 million people dead or dying of this disease. We cannot wait. So we need a testing program to identify and inform people who will have the disease.

The second thing we have to do is, we have to continue scientific research to try to find some way to cure this or to stop its spread through inoculation.

The third thing we have to do is to continue education and expand the education so young people know there is no panacea as far as protection is concerned against this disease. Condoms will not protect you. Eighteen to twenty-five percent of the people who use condoms and have contact with people who have AIDS get the disease. So condoms will not protect you. They will help, but it certainly is no panacea.

So we need to have more education. The only way to protect one's self is to have a monogamistic relationship with another human being. You cannot go out and sleep with everybody and his brother and hope to not get this disease. So we need to have more education, broader education in the schools and on television and through the media.

We need to have penalties for those who know they have the AIDS virus and continue to spread it. Make no mistake about it, there are prostitutes in this country and there are other people in this country who know they are HIV-positive and continue to go out and spread it to other human beings, thus condemning them to death. So we have to make sure there are penalties for those who continue to spread the disease after they know they have the virus.

We also have to have in this overall program protection for people who do have the AIDS virus, as far as their civil rights are concerned, and as far as their health care benefits, their jobs, and their homes are concerned.

So in short, Mr. Speaker, this pandemic is growing in leaps and bounds. I do not believe we have only 1.5 million people infected, like CDC says. I believe it is more like 4 to 5 million people, because we had 1 to 1.5 million five years ago, and it was doubling then every year to 18 months. It is inconceivable to me that we would still have only 1.5 million people infected, especially in view of the fact that we are going to have 250,000 people dead or dying by the end of this year alone.

So if we have 4 million to 5 million people infected, that means 4 million to 5 million people are infectious and they can communicate it to other people. They are destined to die and they are destined to be a drain on the health care system of this country. So we need to come to grips with this through a comprehensive program.

Mr. Speaker, I would just like to restate one more time to my colleagues that it is now into the teenage heterosexual population of this country. It is no longer a homosexual disease. People in the heterosexual community, starting in their teenage years, are now at dire risk, and we have to come up with a comprehensive program to deal with it. The longer we ignore this, the longer we keep our head in the sack, hoping this will go away, doing very little or nothing, the more people we are condeming to die and the bigger the drain on the future of the United States of America, both as far as human beings are concerned and as far as our economy is concerned.

So, Mr. Speaker, I hope my colleagues will take this to heart and start thinking about it, because we do not have a lot of time.

BABI YAR COMMEMORATION

The SPEAKER pro tempore (Mr. SARPALIUS). Under a previous order of the House, the gentleman from New York [Mr. SOLARZ] is recognized for 60 minutes.

Mr. SOLARZ. Mr. Speaker, there is a plaque at Yad Vashem, Israel's moving museum and memorial to the victims of the Holocaust, which warns eloquently against forgetting. It reads, in part:

> * * * Keep not silent, forget not deeds of tyranny, cry out at the disaster of a people, recount it unto your children, and they unto theirs from generation to generation, that hordes swept in, ran wild and savage, and there was no deliverance.

We gather this afternoon in a solemn act of remembrance and redemption. Five decades ago this past weekend, there occurred one of the most horrid episodes of the Nazi Holocaust: Babi Yar.

Babi Yar is a ravine on the outskirts of Ukrainian city of Kiev.

Close by the gorge was a Jewish cemetery, and it was to this cemetery that the Nazi Einsatzgruppen ordered the Jews of Kiev to report on September 29, 1941—supposedly for the purpose of resettlement.

That order came only 9 days after the Wermacht's occupation of Kiev, and 3 months after the beginning of Operation Barbarossa and the Final Solution.

On pain of death, the Jews of Kiev were ordered to bring "documents, money, valuables, as well as warm clothes, underwear, etc."

Unaware of the Nazis' systematic effort to exterminate their brothers and sisters in other parts of Europe, many of the Jews of Kiev obeyed the order.

As reported by an eyewitness after the war, this is what happened next:

Ukrainian policemen formed a corridor and drove the panic-stricken people towards the huge glade, where with sticks, swearings, and dogs, who were tearing the people's bodies, they forced the people to undress, to form columns in hundreds, and then to go in the columns in twos towards the mouth of the ravine.

[In the mouth of the ravine,] the [Jews] found themselves on the narrow ground above the precipice, twenty to twenty-five meters in height, and on the opposite side there were the Germans' machine guns.

The killed, wounded and half-alive people fell down and were smashed there.

Then the next hundred were brought, and everything recreated again.

The policemen took the children by the legs and threw them alive down into the Yar.

[In the evening,] the Germans undermined the wall of [the] ravine and buried the people under the thick layers of earth.

But the earth was moving long after, because wounded and still alive Jews were still moving.

One girl was crying: Mommy, why do they pour the sand into my eyes.

In 2 days between Rosh Hashanah and Yom Kippur that year, 33,771 Jews died at Babi Yar.

Thereafter, the ravine was the killing ground not just for Jews but also for gypsies, Soviet POW's, and the handicapped.

In the 18 months that passed before the Soviet Red Army recaptured Kiev, probably over 100,000 met their end there.

The carnage of Babi Yar, which was replicated simultaneously on a small scale in communities all over the western Soviet Union, was bad enough.

What happened after the end of the war only compounded the tragedy.

Stalin and his successors enforced an oblivion around Babi Yar which only a select few courageous individuals attempted unsuccessfully to penetrate.

When a Babi Yar memorial was finally completed in 1974, it celebrated only the "Victims of Fascism" and ignored the special suffering of Kiev's Jews.

And those who asked to say Kaddish, the Jewish prayer for the souls of the dead, for those who died at Babi Yar were turned away.

To thus distort history is not simply an injustice to yesterday's victims.

It also obscures the evil that men do today and the threats they may pose to civilization tomorrow.

Fortunately, the injunction to remember Babi Yar has finally been heard, even in the Soviet Union.

With glasnost, the warming of United States-Soviet relations, and the collapse of communism, the truth about the tragedy is being told—even in Kiev.

This week, the Ukranian Government itself is sponsoring a 50th anniversary commemoration of the Babi Yar massacre—in cooperation with organizations such as the World Jewish Congress, the United States Holocaust Memorial Council, the United States Commission for the Presentation of America's Heritage Abroad, B'nai B'rith, and others.

An international academic conference will fill the blank spaces on Babi Yar's page in history.

The cornerstone of a new memorial will be laid. And, on this Saturday evening—at last—the saying of Kaddish will begin.

In my district in Brooklyn, there resides a community of Holocaust survivors that is larger than any other in the Nation.

Nothing can make up for the pain and suffering they endured.

And there is nothing anyone can do to bring back to life those whose souls and spirit were snuffed out in the killing field on Babi Yar.

Even as we fulfill our obligation to remember, we can only pay scant homage to the courage and dignity they displayed on the altar of hate and cruelty.

Yet we, can invest the sacrifice of those who died with a redemptive significance, by resolving to do everything within our power to prevent such an evil from happening again.

Where governments subject defenseless people to overwhelming and unrestrained violence, the civilized world has only one choice: to act on behalf of those who suffer.

From their final resting place, the victims of Babi Yar call upon us to never forget.

From our earthly abode, we can only respond: "Never again."

□ 1630

Mr. Speaker, I am pleased and privileged to yield to my very good friend, the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, the 50th anniversary of the massacre at Babi Yar outside Kiev in the Ukraine is a chilling reminder, yet one that cannot and must not be allowed to pass without acknowledgement. I thank our colleagues the gentleman from New York [Mr. SOLARZ] and the gentleman from Ohio [Mr. FEIGHAN], for reserving today's time enabling us to honor the memory of those martyred at Babi Yar. Their congressional leadership on this issue comes on the heels of renewed recognition of what happened at this infamous site.

Not since Yevgeny Yevtushenko wrote his moving testament have so many eyes focused on Babi Yar. President Bush's recent visit, and his stirring memorial to the victims of Babi Yar have resurrected the uniquely Jewish nature of Babi Yar, for so long ignored and for so long in the shadows.

On September 29th, 1941, evil showed its true face at Babi Yar, as 33,000 innocent Jews were transported there, and, in a scrupulously methodical manner, were gunned down in the next 48 hours by Nazi butchers. Over the next 2 years, untolled thousands would perish there as well, Jew and non-Jew alike. Babi Yar exists as a silent reminder of where the world was 50 years ago. It is the site of a world gone mad. The savage events which took place five decades ago are ingrained forever in our memories.

This monstrous mass slaughter, among the most unspeakable crime against humanity, must never be forgotten. The 50th anniversary allows us not only to bless the memories of those who were lost, saying Kaddish for their souls, but also reminds us of man's inhumanity to man. Let us be ever mindful of the fragility of freedom, and the need to fiercely and continually protect it at all costs.

Mr. SOLARZ. Mr. Speaker, I yield the balance of my time to my very good friend from Ohio [Mr. FEIGHAN], with whom I took out this special order.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, September 29 and 30 was the 50th anniversary of the single most concentrated episode of mass slaughter of Jews by the Nazis during the World War II Holocaust—Babi Yar. The very name conjurs up one of the most chilling examples in all of recorded history of the savagery which humans are capable of inflicting on fellow human beings. On these 2 days in the early fall of 1941, Nazi units brutally massacred 33,771 Jews.

When the German Army invaded Russia, special extermination teams, called Einsatzgruppen, were charged with destroying East European Jewry. Upon capturing Kiev, they posted notices ordering the city's Jews to report for resettlement. The victims, carrying their personal belongings, were marched to the Babi Yar ravine, where Nazi units machinegunned them. By 1943, when the Germans retreated from Russia, Babi Yar had become a mass grave for more than 100,000 persons, most of them Jews. In a desperate attempt to destroy evidence of the deaths, the Germans unearthed the mass graves and burned the remains.

It was, moreover, a monstrosity that for decades the Soviet Government sought to suppress. Even when a pseudo-memorial was finally erected on the site in 1976, the fact that Jews were the primary victims of this phase of the Holocaust was altogether ignored.

Two months ago, President Bush layed a wreath at Babi Yar during his visit to Kiev. The Ukrainian Government designated September 29 as a day of memory and sorrow. This week, numerous commemorative events are being held throughout the city, culminating with the saying of Kaddish, the Jewish prayer for the dead.

I have been to Babi Yar and walked that ravine. As I did, I tried to visualize the unbelievable horrors that occurred there just a few short decades ago. It affected me, it affected me very much. I came away from that ravine

resolved that I would do my part to see to it that this despicable act of man's inhumanity to man would never be forgotten. Not everyone will have the opportunity to walk Babi Yar as I did. Nevertheless, each succeeding generation has the responsibility of ensuring that such atrocities never be permitted to happen again. We owe it to ourselves, we owe it to their memories.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. GEJDENSON].

□ 1640

Mr. GEJDENSON. The world often takes it time about noticing horror and often we miss some of the most outrageous events that occur. It does take the magnitude of this event to get the world to stop for a moment and notice the tens of thousands of people who were massacred in but a few days.

The amount of barbarism that still exists in the globe is hard to imagine and, coming from somebody whose parents survived the Holocaust, luckily escaping a similar situation in my father's case to what happened at Babi Yar, my father lived in a small village in White Russia. And the war came and first it was taken by the Russians.

It was part of Poland. The Polish Army, which my father was part of, held out for as long as it could. But quickly the country was divided, half given to the Soviets, half taken by the Germans.

Most of the world was silent about what had happened before, was happening then. And I remember speaking to my father one day in the early 1970's, he was working, after the Germans invaded the Soviet Union and then took the part that he was in, he was working on a farm not far. But they had put all the Jews in a ghetto and he came back, having heard that the Japanese had attacked Pearl Harbor. And he figured that the war was over and that the Americans, with their great strength and resources, would shortly end the war, liberating his family, his friends in Europe from the tyranny it had seen.

Following that, as what happened to the people at Babi Yar, his family and his friends were moved into a small depression that had developed as the result of an explosion in World War II. The entire village, all the Jews of the village, were marched into this one depression and machine gunned.

It did not take 2 or 3 days like it took at Babi Yar. It does not make a lot of reports of grand and large events, but to the individuals that died there, their fate, their horror was the same as those who would die at Babi Yar.

My father fled with a handful of others that survived. He jumped into a woodpile and at that point one of the local women went by and saw him there. And she threw some wood on top of him so when the German Nazi soldiers came by that he would not be spotted.

He spent some time in the woods, hiding out, sleeping under trees in the forest, wiping ice off his eyes in the morning as he awoke.

A Polish lady hid him. She had eight children. And I would often, as a young men think, a young child, think about the courage that this old Polish lady had. Because if the German had found this Jew hiding in her attic, they would not have simply killed him and her. They would have killed her eight children. And it was a measure of courage that I could not fathom then but now, as a father of two, it is beyond my comprehension to have that much courage, that much principle, to be able to risk your whole family for a stranger is something that I think is very difficult for us to comprehend.

It is an easy kind of theoretical test, as we sit here with civil rights and civil liberties that we enjoy in this country, but the lesson for us is that each of us have a responsibility to speak out when there is torment, when there is murder, and not simply when it gets as large as Babi Yar or as the Holocaust, but when one person disappears in a Guatemalan village or if one Vietnamese family is sunk as they are off somewhere in Vietnam trying to get a refugee camp to freedom, anywhere on the globe.

We should not wait till 5,000 Kurds are killed and then the Kuwaitis are invaded and taken and then Saddam Hussein again starts to kill the Kurds, before we figure out that it is wrong, that had the United States maybe spoken out when the first Kurds began dying, maybe we would not have had an invasion of Kuwait and then an additional massacre of the Kurds.

Had the world spoken out at Kristallnacht or the taking of the Sudetenland, maybe Hitler would have been stopped. It is not just the big acts.

I think what we often convince ourselves here is that it is the monumental acts, it is the military actions at the end of the day when the tyrant had finally gone too far for even those who want to pay no attention to his outrages, that makes the difference.

I submit that is not what makes the difference. It is the individual. It is that old Polish woman who took what she had learned in her childhood seriously and risked all to save one person.

And the opposite of that is the silence, the silence of people in elective office, but not just of leaders where it is easy to kind of leave the blame. It is the silence of average citizens, of people buying items made in China, in slave labor shops, of government who are silent about the imprisonment of those who had courage at Tiananmen Square. And whether they are in East Timor or in Guatemala or in South Africa or anywhere on the globe, it is all our responsibility to speak out before we reach the magnitude of Babi Yar.

Lastly, to Mr. Gorbachev and the courageous people that are bringing in democracy to the Soviet Union, they have not gotten a lot of applause in this Chamber, not when they, Gorbachev and his people went and led the process of freeing Eastern Europe, not when they instituted democratic reforms. It really took the coup for us to recognize that there were changes and those changes could be threatened by people who wanted the good old days.

It was Gorbachev and his government that began to seek the truth, and that is also part of our responsibility, whether it is in the past as Babi Yar or as in the present around the globe. We need to seek the truth when the first person is a victim of oppression, not when we get to 100,000 in 2 days, not when we get to 6 million in a war, not when we get to millions in Cambodia or across the globe.

I want to commend my colleagues here because I look around the room. They are clearly the ones that did speak out, as many more Members of the House do. We need every citizen in this country speaking out against injustice here and across the globe.

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman for his personal, eloquent statement.

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

Mr. FEIGHAN. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, this fall marks the 50th anniversary of the tragedy of Babi Yar and the full implementation of Hitler's Terrible Final Solution. Between September 29 and October 3, 1941, between the religious holidays of Rosh Hashanah and Yom Kippur, 33,000 Jews—men, women, and children—were marched out of Kiev, stripped of their clothes and valuables, taken to the edge of the Babi Yar ravine, and shot by Nazi SS and Ukrainian auxiliaries.

This blight on history must never be repeated. But it will be unless we open our eyes to the indifference, intolerance and fanaticism in the world today.

On February 19, 1939, Senator Robert Wagner of New York and Representative Edith Rogers of Massachusetts introduced a bill to allow 10,000 Jewish refugee children under age 14 from Europe into the United States, in 1939 and 1940.

The Daughters of the American Revolution and the American Legion testified against the bill which failed to get out of committee. Here is what one witness said, "Mr. Chairman, I am the daugther of generations of patriots. My forefathers helped to found this Republic. These refugees have a heritage of hate, they could never become loyal Americans."

Four months later on May 27, 1939, the *St. Louis*, a ship carrying nearly 1,000 European Jews, lingered in Ha-

vana harbor until being turned away and told to return to Germany. A few days later, on Sunday, June 5, the *St. Louis*, after wandering aimlessly, anchored 4 miles from Miami. The *St. Louis* cruised in circles and then at 11:40 p.m. on June 6, the *St. Louis* turned toward Germany after being turned away by United States immigration officials. Its passengers were finally given refuge in Great Britain and in Belgium and Holland, both of which were later overrun by the Nazis.

Two and a half years later the United States Government began rounding up and jailing American citizens of Japanese descent. Nearly 50 years later Congress provided some restitution to those Americans who lost their homes and their freedom and once again veterans groups opposed the legislation. Nothing seems to have changed very much.

The Kuwaitis are brutalized by the Iraqis. When the Iraqis are driven out, the Kuwaitis turn on the Palestinians with equal savagery.

On the West Bank of the Jordan the heirs of the Holocaust's victims too often remain silent when the Israeli Government brutalizes Palestinians, sometimes blowing up the homes of those suspected, but never charged or convicted of crimes.

The President of the United States and the Congress at first turn their backs as Kurdish women and children are slaughtered, coming to their rescue only after international pressure mounts. By our silence we fail to condemn their killing as vigorously as we condemn the killing of others.

In New York City, black Americans, still the victims of persecution in our own country, murdered Orthodox Jew Yankel Rosenbaum in Crown Heights, Brooklyn, because he was Jewish and chanted "Heil Hitler" in the streets.

Man's savageness seems still largely untamed.

Victims turn on victims.

As Americans in 1991, we needn't look to the past or to other lands to find human cruelty and indifference.

We are not perfect citizens and this is not the perfect State. Let us recall this as we recall Babi Yar.

Let us recall also our own responsibility to speak out against the world's and our own country's sins. On June 8, 1939, an 11-year-old girl wrote to Eleanor Roosevelt about the *St. Louis*, she said:

> Mother of our country, I am so sad the Jewish people have to suffer so * * * please let them land in America * * * It hurts me so, that I would give them my little bed if it was the last thing I had because I am an American, let us Americans not send them back to that slaughterhouse. We have three rooms that we do not use. Mother would be glad to let someone have them. Surely our country will find a place for them.

Surely.

Mr. NICHOLS. Mr. Speaker, we are here today to express our deep sorrow for the tens of thousands of Jews massacred 50 years ago in the single most concentrated mass slaughter of the Holocaust: Babi Yar.

Why did this happen? How could this have happened? How can we prevent a Holocaust in the future?

There can be no answer as to why and how something so terrible as Babi Yar can happen. But we can prevent it from happening again by remembering the sacrifice of those killed. Today, we know what occurred in that ravine in Kiev and in the Nazi death camps. That knowledge serves as a reminder of the weakness of mankind and the atrocities that will consume whole groups of people if we stand by and allow it to happen.

As we watch events unfold today in the Middle East, we remember that just 50 years ago, we witnessed the intended destruction of an entire race of people. Simply hoping that the terrors of the Holocaust will not return is not enough. We stopped Saddam Hussein in Kuwait. Can we stop others like him in the future?

My message is to remind everyone of the horrors of World War II and the Holocaust. We can never forget the murder of innocent, defenseless people.

□ 1650

Mr. FEIGHAN. Mr. Speaker, as we close the special order today I just want to bring focus that the commemoration of the events of Babi Yar has really one major goal, and that is remembrance. The events that have been described very eloquently by my colleagues really defy comprehension: 33,000 men, women and children slaughtered at Babi Yar in just 2 days. And as Congressman SOLARZ has indicated, probably another 100,000 more over the next few months. In a century of horrors, there are few more horrifying than the mass slaughter that took place at a ravine outside of Kiev, a place we now know as Babi Yar.

Today, we speak about Babi Yar because for 50 years the massacres at Babi Yar were shrouded in silence. The poet, Yevgeny Yevtushenko, wrote in 1961 that "everything here at Babi Yar screams in silence."

In his most famous poem, he spoke of the absence at Babi Yar of any indication that tens of thousands of Jews had been murdered there. In fact, until 1976, there was no monument of any kind at Babi Yar.

In that year a monument was built which ignored largely the Jewish victims. That omission reflected the official Soviet view that the Holocaust was nothing more than a chapter in the history of World War II and that Jews suffered no more than anyone else.

Besides, in the years since the war, Soviet policy had become increasingly anti-Israel and anti-Semitic. There was no place for a memorial to Jews in the Communist Soviet Union.

Today, all that has changed. This week the Ukrainian Republic is commemorating "days of memory and sorrow" to mourn the victims of Babi Yar. Flags in Kiev are flying at half staff. A new memorial, a memorial to the Jews who died at Babi Yar, is being dedicated.

And that is not all. Plans have been made to introduce Holocaust studies in all Ukrainian schools. There will be annual Babi Yar memorial ceremonies. The Ukrainian Government intends to institute student exchanges with Israel.

The Ukrainian Government deserves credit for breaking with the past and for recognizing and acknowledging the crimes at Babi Yar. In the words of 1941 Robert Kesten, an American who is serving as international chairman of the Babi Yar commemorations, the Ukrainian Republic "has taken a meaningful step to set the record straight, to acknowledge facts, and to begin building a different future."

I think it is appropriate that we salute the Ukrainian Republic for undertaking this year's commemoration. It is only together that we can ensure that the events of Babi Yar will neither be forgotten nor repeated.

I think we must believe, Mr. Speaker, that in the final and very desperate moments of life for those victims at Babi Yar there must have been wishes, there must have been hopes that there would be people in the future, that there would be generations that would recall the horrors that they suffered. And it is for their memory, and it is for their suffering that we hold this remembrance today. But it is most especially in fulfillment of their wish that an acknowledgment, an annual remembrance of the horrors of Babi Yar will make a major contribution to prevent any future such horror.

I think that the testimony that we have received today, particularly I would point out from the gentleman from Connecticut [Mr. GEJDENSON], a very personal and very eloquent statement not only of the horror and tragedy of Babi Yar, but more importantly, in the context of this remembrance, a perspective, a global perspective on the meaning of Babi Yar in all of our lives, regardless of our heritage, and of the obligation that we have to the victims there and to the hundreds of thousands of other nameless victims throughout the Holocaust and other violations across the globe, the obligation that we continue to have to them, to their memory, and more importantly or as importantly to our obligation to ensure that those atrocities against humanity never happen again.

Mr. LEHMAN of Florida. Mr. Speaker, I would like to thank you for this opportunity to share my thoughts with our colleagues on this historic occasion. Babi Yar, the largest single mass execution of Jews in the history of the Holocaust, symbolizes the depth of the de-

pravity and evil of anti-Semitism. On this 50th anniversary of Babi Yar, we are reminded of the brutal mass murder that took place on September 29 and 30, 1941, and continued for at least 12 more months in Kiev. In those 2 days alone, 33,771 Soviet Jews were methodically lined up and shot in a continuous 48-hour bloodbath. Today, we must remember our brothers and sisters who experienced this terror of hatred.

The legacy of Babi Yar lives on in the hearts of Jewish people. In subsequent years, hundreds of Soviet Jews gathered at the actual site in Kiev to pay homage to those who were murdered, unfortunately having to risk termination from their jobs and harassment or arrest from Soviet authorities whose denial of the Jewish victims of Babi Yar has not exonerated them from their own culpability. In 1976, after years of Soviet denial, the state erected a monument at Babi Yar that was cynically silent and gave no remembrance to the Jewish victims of Babi Yar. The Soviets designed this incomplete memorial in an effort to end Soviet implication in the murderous activities associated with the Stalin era. The memorial was inscribed, "Here in 1941–1943 German-Fascist Invaders executed more than 100,000 citizens of the city of Kiev and prisoners of war." With the anti-Semitic motivation for the massacre at Babi Yar ignored, the 33,771 Jewish men, women, and children who were shot in cold blood and thrown naked into a ravine have not as yet been appropriately memorialized. In solidarity with those whose lives were lost, we recognize what happened at Babi Yar.

Although sweeping changes are currently altering the course of history for the Soviet Union, we must still be vigilant of the tendencies that threaten to return us to the past. In the words of Elie Wiesel, "And yet—they do need to be defended, as much as the victims of long ago. With one difference: for the victims, it is too late." I therefore call upon my colleagues to join in the overdue recognition and remembrance of the Jewish population at Babi Yar and, at the same time, acknowledge the plight of Soviet Jews today. We must all work together for the eradication of the scourge of anti-Semitism.

Mrs. KENNELLY. Mr. Speaker, it is impossible to recall the horrors of Babi Yar without an overwhelming sense of grief. That such atrocities could occur and the world not know—that we did not rise up appalled—is the most convincing proof of the limits of human understanding. Even now, 50 years later, it is difficult to speak of the events of September 29, 1941. For 36 hours, soldiers systematically destroyed a people—men, women, and children were forced to place their clothes and goods aside and then descend into a ravine where they were shot. More than 33,000 people were killed in that initial slaughter; 18 months later, the number had climbed to 100,000.

To recall this massacre is unspeakably painful. But it is necessary. It is necessary because we dare not forget what happened at Babi Yar. We dare not forget that it was a people who were being eliminated—not criminals, not soldiers in the midst of battle, but whole families, generations destroyed in minutes.

This is the first year that formal ceremonies at the Babi Yar site will officially recognize that those who were killed were not only Soviet citizens, they were Jews. They were not only women and children—they were Jewish women and children. They were not only young men, or the aged—they were Jewish young men and elderly Jews.

Finally, we can speak the truth at Babi Yar. We can acknowledge not only the suffering, but those who bore it. It is worth remembering that even this has taken 50 years.

What we must face now are the larger questions: what do we do with the memory of Babi Yar? Can we expect a world that is very much different from the world of the last 50 years? I would like to believe we have a chance to change that world. If I did not believe that, I could not stand before you in this Congress, urging your support on matters I think critical. But I must also acknowledge that it does not take much to make us look away.

Today we must remember the cost of looking away. We must not ignore the plight of a people who are welcoming scores of immigrants into their country. We must not ignore the misery of our own citizens who cannot find jobs, who cannot afford health care, and who cannot find help. Most of all we must recall that truth is our best ally as we try to recover, whether from poverty and neglect or from the unspeakable anguish of the massacre at Babi Yar.

Mr. SCHUMER. Mr. Speaker, I first want to thank my colleagues, Mr. SOLARZ and Mr. FEIGHAN, for reserving this special order in order that we in Congress might all reflect on the 50th anniversary of the tragic Babi Yar massacre.

Babi Yar is perhaps the darkest episode in what is certainly the most tragic and barbaric period in the history of mankind. The Holocaust continues to make us shudder 50 years later, and it will do that 500 years later, because it shows the capacity of human beings to do evil. While some might try to forget or obscure this period, 50 years ago is just a moment in the history of this world. Our country still has citizens whose memories are seared by images of the Holocaust, and whose memories recall those who did not escape.

Never again. Never again must an episode like the Holocaust occur. Never can we allow any people to be the victims of genocide. We Americans have a special duty as leaders of the free world to see to this.

Mr. Speaker, there is one good that came out of this dark period in our history. The good that came out of this shock to the world was the consensus it built for acceptance of the Zionist dream. The State of Israel exists today, and is the focus of attention for Jews around the world, in part so that the Holocaust can never be repeated, so that Jews will never be without a homeland to welcome us and protect us. The anniversary birth of the State of Israel will always be numerically close to the anniversary of Babi Yar, and the two will always be connected in my mind.

This year we are happy to find that the horrors of Babi Yar are being more openly acknowledged. The Ukrainian Government designated September 29, a "day of memory and sorrow." but this new recognition comes at a difficult time. Recent events have brought a child to American-Israeli relations unlike any seen before. I ask my colleagues in government and all my fellow Americans to use these moments of reflection to also reflect on these developments, and to renew and reaffirm our support for the State of Israel. Israel has always stood by America because she shares our ideals and our hopes. We in America ought to share Israel's hopes for peace and safety for Jews and Arab alike. Now Israel needs our support. Let's remember why Israel is there, and why she must always be there.

Mr. YATES. Mr. Speaker, today I am joining together with a number of my colleagues to remember and mourn the victims of one of a cruel century's most evil events. It was 50 year ago that the Nazi government of Adolf Hitler murdered 33,771 Jews in 2 days at a place called Babi Yar near Kiev in the U.S.S.R.

The monstrous events at Babi Yar stand as an indictment of the human race and warning to all of us that bigotry and hatred are a poison that can destroy everything we call humane and human. We mourn those that died at Babi Yar and the millions of others who died in Europe during the Holocaust. It is vital that we remember and understand this dark chapter in human history. The effort today is a part of our obligation to decency and humanity and on that point, I am encouraged by the actions of the Ukrainian Government in designating September 29 as a "day of memory and sorrow."

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank Mr. SOLARZ for reserving time today to commemorate the 50th anniversary of Babi Yar. All of us participating in today's special order are aware of the massacre of almost 34,000 Ukrainian Jews by the Nazis on September 29–30, 1941. However, there were those who would have preferred that no one would ever know of the mass slaughter which took place during those 2 days.

The German Army entered Kiev on September 19, 1941. Several days later an explosion destroyed the German command post resulting in the loss of life of many German soldiers. The Germans held the local Jews responsible and ordered all Jews in Kiev to assemble near the Russian and Jewish cemeteries at 8 a.m. on September 29. They were told to bring with them such things as documents, money, valuables, and warm clothing. The Jews thought that they were to be resettled and had no idea of the horrible fate which awaited them.

When they arrived at Babi Yar, they were ordered to undress; and small groups were led away from the clearing toward a narrow ledge along the ravine. There, hidden behind the ledge, the Germans had mounted machine guns; and, over the next 2 days, they systematically executed 33,771 people. The killings at Babi Yar continued over the next several months, but never again on that scale.

While the massacre of the Jews at Babi Yar was the worst single incident of Nazi extermination, the aftermath of that tragedy was somehow even more horrible. The Soviet Union refused to acknowledge that the slaughter took place. Babi Yar was a Jewish gravesite which the Soviet Union would not acknowledge; and, in fact, tried to obliterate.

In the years following World War II, the Soviet Union adopted an anti-Semitism policy,

And, not until 1956 did a thaw begin in the Soviet Union which would allow ethnic and religious groups any freedom of expression.

In 1958, in Kiev, Jews sought to express their identity and their first concern was to sanctify the mass graves at Babi Yar. By this time, Babi Yar was a cattle pasture. Earlier efforts to have the site properly designated with a memorial had been thwarted by the Soviet Government when they determined how many of the dead at Babi Yar were Jews. That information greatly disturbed the Soviet Government and they sought to find a permanent coverup of the atrocity of Babi Yar. The Government decided to fill the ravine and build a sports stadium. In the process, they constructed a dam, which turned the ravine into a lake. By 1961, the dam had risen so high that when torrential rains occurred in March 1961, the dam broke and 145 people died in a wave of mud. The people of Kiev proclaimed that the ghosts of Babi Yar were taking their revenge. Finally, in 1976 a monument was erected to the murdered "citizens of the city of Kiev and prisoners of war."

In the intervening years, we have seen repression of the Soviet Jews; and, more recently, a new policy of openness whereupon tens of thousands of Jews have been allowed to leave the Soviet Union.

It is important that we remember that the Holocaust was not just the prison camps of Auschwitz, Dachau, and Treblinka. It touched the lives of Jewish families throughout Europe and the Soviet Union. The Holocaust was also Babi Yar.

Mr. LEVINE of California. Mr. Speaker, 50 years ago, on September 29, 1941, the Jews of Kiev were marched to the ravine of Babi Yar. Men, women, and children were forced to strip as the Nazis collected jewelry and other valuables. For 36 hours 33,771 Jews were massacred at the edge of the ravine for no other reason than their Jewish blood. They were among the millions of victims of Hitler's Final Solution.

In the 18 months that followed, nearly 100,000 Jews, Gypsies, Soviet POW's, and disabled were executed at Babi Yar. As the war turned against Nazi Germany, German units desperately attempted to erase all evidence of their horrific slaughter. The Germans and forced labor uncovered the mass graves in the ravine and burned the bodies. Fifteen conscripted concentration camp inmates survived to tell the story of Babi Yar and ensured that the world would never forget this chilling example of human evil.

Tragically, the Soviet Government attempted to hide the truth of Babi Yar for decades after the savage massacre. Only 25 years after the war did the Soviets erect a memorial at Babi Yar, but the word "Jew" did not appear. Now, 50 years later, as the forces of freedom and democracy are prevailing over the forces of repression and dictatorship throughout the Soviet Union and Eastern Europe, those who perished at Babi Yar will not be forgotten. A new memorial will be erected at the edge of the ravine to acknowledge the Jewish victims at Babi Yar.

As we take a moment on this solemn day to reflect on the human tragedy at Babi Yar and the suffering of the thousands of innocent victims who perished there, we should at the same time remember the sacrifices and heroism of those who fought then, and those who continue to fight, for a more just, humane, and free world.

Mr. TORRICELLI. Mr. Speaker, today we remember the brutality that occurred 50 years ago at the infamous ravine at Babi Yar. At that site outside of Kiev, more than 200,000 Jews, Gypsies, Soviet prisoners of war, and hospitalized handicapped persons were murdered in cold blood over a 2-year period.

The events that occurred at this site were among the most atrocious in the history of the Holocaust. After the German Army captured the city of Kiev in September 1941, the Nazis commanded all of the city's Jews to appear at Dekhtyarev Street within 10 days. They were to wear warm clothing and bring with them all of their money and possessions. Failure to appear would be punishable by death.

On the morning of September 29, 33,000 Jews were marched 2 miles outside the city to the Babi Yar ravine. There, men, women, and children—young and old were forced to strip naked and hand over their clothing and possessions.

For the next 2 days, which happened to fall between Rosh Hashanah and Yom Kippur, 33,771 Jews were mowed down by machine guns and layered at the bottom of the ravine. As it filled, the Jews were thrown onto the piling mass of corpses and shot dead.

In 1943, as the German Army faltered and the Soviets were poised to retake the Ukraine, the Nazis ordered slave labor to exhume and destroy the Babi Yar graves in an attempt to eradicate the evidence of mass murder. It was 15 Jewish slave laborers who made a daring escape from Babi Yar who let the world know of the abomination taking place there.

While no one will ever understand what could make men commit such inhuman acts against the innocent, we do know that it is crucial that we disclose the truth of the Holocaust and always remember its horrors.

But in the Soviet Union, the truth about Babi Yar has been forgotten—until now. Although memorials were erected in 1966 and 1976, they did not specifically mention the massacre of Jews. However, the disintegration of communism and totalitarianism in the Soviet Union has opened the door to the truth.

For the first time ever, the Soviets are currently holding a week-long commemoration of Babi Yar and, more importantly, they are officially recognizing the Kiev Jews who were the primary victims of the Nazis.

While the crimes of the Nazis can never be comprehended, explained, or forgiven, they can and must be remembered. The Soviet Union's long overdue recognition of the true events at Babi Yar does nothing to ease the pain of the Jewish people or remove the scars from human history. But it will remind the world that these crimes can never be repeated and can never be forgotten.

Mr. FAZIO. Mr. Speaker, today we mark the 50th anniversary of one of the most barbaric episodes in human history, the massacre of 33,771 Jews on September 29 and 30, 1941, and the murder of tens of thousands of other Jews and non-Jews in the 2 years that followed, at Babi Yar, Kiev.

A half century later, the magnitude of the murderers' brutality, the infinite sacrifice of the murdered, and the pain inflicted on the living still leave us shocked and grieving. Because the death of one diminishes all who remain, the ravine at Babi Yar will always stand as a deep wound to our vision of a world based on peace and tolerance.

The injury has begun to heal not with the passage of time, but with honesty, education, and remembrance.

This anniversary occurs at a moment in history when it seems that more of the world's people may have a chance to live a life free of deprivation and violence. In that spirit of hope, and in our determination to achieve such a world, let us rededicate ourselves to listening to the voices of those whose lives were taken at Babi Yar, so that we may truly say, "never again."

Mr. GREEN of New York. Mr. Speaker, I should like to commend my distinguished colleagues, Representative SOLARZ and Representative FEIGHAN, for organizing this special order to commemorate the 50th anniversary of Babi Yar.

As a member of the U.S. Holocaust Memorial Council, I am always anxious to see such anniversaries marked, for, as we know, the world's memory is short and the eyewitnesses will not be here much longer to bear witness.

In the case of Babi Yar it is especially important that we create an institutional memory. For Babi Yar not only stands for a monstrous massacre in which 33,771 Jewish men, women, and children were slaughtered, it also stands for a governmental coverup, not only by the Nazis who literally covered the bodies of their victims with dirt and sticks and stones and later by burning, but also by the Soviet Union which tried to cover the truth with omission.

For 25 years after the war, no memorial was erected at Babi Yar, and, when it was finally built, there was no mention of who these victims were. As Dr. Michael Berenbaum, the Holocaust Museum project director, notes in a recent museum newsletter article, "The word 'Jew' does not appear on the memorial; the identity of Babi Yar's Jewish victims is obscured."

Mr. Speaker, I should like to include here the entire article by Dr. Berenbaum which clearly documents the history and lessons of Babi Yar.

[From the U.S. Holocaust Memorial Museum Newsletter, Sept. 1991]

BABI YAR AFTER 50 YEARS: THE MASSACRE AND ITS MEMORIALIZATION

(By Dr. Michael Berenbaum, Museum Project Director)

September 29–30, 1991 marks the fiftieth anniversary of the Nazi murder of more than 33,000 Jews in Babi Yar, a ravine outside Kiev.

For the first time in the past half century, formal ceremonies sanctioned by the Ukrainian government will be held at Babi Yar to remember its victims not as anonymous "Soviet citizens, victims of Nazi Fascism" but as Jews, murdered in a systematic Nazi program of genocide, the "Final Solution to the Jewish Question."

On September 19, 1941, the advancing German army captured Kiev, the capital of the Ukraine. Within days, a number of German civilian and military buildings were blown up by the NKVD (Soviet Secret Service).

Then an order was posted in Ukrainian and Russian:

"Yids of the city of Kiev and surroundings! On Monday, September 29, you are to appear by 7:00 A.M. with your possessions, money, documents, valuables, and warm clothing at Dekhtyarev Street, next to the Jewish cemetery. Failure to appear is punishable by death."

From the cemetery, Kiev's Jews were marched to the ravine of Babi Yar, two miles from the city.

There Germans forced them to strip—men and women, boys and girls, old and young. The Nazi were characteristically meticulous; no material was wasted. Clothing was gathered and folded carefully. Jewelry and other valuables were placed in adjacent piles. At the edge of the ravine, the Jews were mowed down by automatic fire.

In the days between Rosh Hashanah and Yom Kippur, the Jewish New Year and the Day of Atonement 1941, 33,771 Jews were murdered at Babi Yar. In the months that followed, Babi Yar remained an execution site for more Jews, Gypsies, Soviet prisoners of war and the hospitalized handicapped. Soviet reports after the war speak of 100,000 dead. The true number may never be known.

ERASING THE EVIDENCE OF A CRIME

In August 1943, as the tide of war turned against the Wehrmacht and the Soviet army stood poised to recapture the Ukraine, German units and forced labor dug up the mass graves of Babi Yar and burned the bodies. The evidence of mass murder was to be removed.

Paul Blobel, whose troops had previously slaughtered Kiev's Jews, returned to the site of the crime as commander of Special Unit 1005. For more than a month, his men and conscripted concentration camp inmates disinterred the bodies.

At the end of the assignment, the inmate workers were to be killed. In the cover of darkness on September 29, 1943, 25 escaped; 15 of them survived to tell of what they had seen.

After the war, many other Germans as well as Ukrainians and Russians who had witnessed the massacre recounted their experiences. The following excerpt is from the statement that Mr. Hofer, a former soldier assigned as a military truck driver, gave to German prosecutors in 1959 in the Einsatzgruppen trials.

Mr. Hofer had been assigned in September 1941 to drive his truck to the outskirts of Kiev: "En route I was overtaken by columns of Jews, walking with luggage in the same direction I was going. There were entire families. * * * Piles of clothing lay in a large empty field. This was my destination. * * * my truck was then loaded with these pieces of clothing. * * * I think only a very few minutes elapsed between removal of a coat and total nakedness.

"Two or three small passages led into the ravine and the Jews were channeled into the large ditch. When they entered the edge of the ravine, they were attacked by the Security Police and shot while lying on top of the already murdered Jews. This happened very rapidly. The corpses were in regular layers."

HIDING THE JEWISH IDENTITY OF THE VICTIMS

For 25 years after the war, the Soviet Union erected no memorial at Babi Yar.

A memorial was finally begun in 1966 and completed in 1974. It bears an inscription commemorating "the victims of fascism during the German occupation of Kiev, 1941–1943." The word "Jew" does not appear on the memorial; the identity of Babi Yar's Jewish victims is obscured.

When the President's Commission on the Holocaust visited Babi Yar in 1979, its members were, as it was reported to President Jimmy Carter, "shocked by this conspicuous omission and alerted to the danger of historical falsification or dilution." The Commission protested to the city fathers of Kiev, to historians and officials in Moscow.

On subsequent visits to the Soviet Union, Museum officials have raised the issue of Babi Yar. At first, their words were met with cordial silence, but later with the changing climate in the Soviet Union, there was an understanding that something had to be done to redress this historical misrepresentation.

As relations between the United States and the Soviet Union were thawing in 1988, Miles Lerman, chairman of the Museum's International Relations Committee, met with B.V. Ivanenko, director of the Ukrainian Main Archival Administration, to facilitate the Museum's archival microfilming projects in the Ukraine. Among the issues he raised was the memorial at Babi Yar. Mr. Ivanenko promised that the historical misrepresentation would be corrected.

Last spring Sergei Komissarenko, Deputy Prime Minister of the Ukrainian Republic and chairman of Babi Yar's 50th anniversary Commemoration Committee, met with Mr. Lerman, Museum Director Jeshajahu Weinberg and Council Executive Director Sara Bloomfield.

Mr. Komissarenko announced a program of commemoration that would formally recognize the Jewishness of the majority of the victims of Babi Yar and lead toward the creation of a new memorial at the edge of the actual ravine. Mr. Lerman then accepted Mr. Komissarenko's invitation to send a formal Council delegation to participate in the 50th anniversary ceremonies scheduled for October 3–4 in Kiev.

A special segment of the Museum's permanent exhibition will be devoted to the Mobile Killing Units Einsatzgruppen and particularly to Babi Yar, the largest single Einsatzgruppen massacre. Museum visitors, if they choose, will see pictures of the event.

Mr. GUARINI. Mr. Speaker, September 29 and 30 was the 50th anniversary of the start of one of the most horrible incidents in human history. During these 2 days, 50 years ago, 33,771 human beings were massacred in a ravine known as Babi Yar, located on the outskirts of the city of Kiev. These individuals were killed solely because they were Jewish. They were the victims of Adolf Hitler's Final Solution, a maniacal campaign to exterminate the entire Jewish people. During a 12-month period 100,000 people, 90,000 of whom were Jewish, would be murdered at Babi Yar. We must remember today and say never again.

The criminals of Babi Yar were the sonderkommando or special commando units of Einsatzgruppe C, troops who were specially picked for their stringent belief in Nazi ideology and specifically trained in methods of torture and mass murder. Upon their entry into the city, these individuals carried out a disinformation campaign to gather their Jewish victims—most of whom were women, children, the sick, and the elderly—and subsequently devised a way to most efficiently execute each one. Their method—lining Jews up like cattle, stripping them naked, and taking their belongings, using dogs and weapons to force them onto the edge of a ravine, and gunning them down with machineguns in 1-hour shifts. The process lasted over 2 days and for his accomplishments, the head of the sonderkommando unit, Paul Blobel, received an iron cross from the Fuehrer.

Tragically, many aided the invading Nazis in the atrocities which occurred at Babi Yar. These individuals willingly conspired with the Germans, betrayed the many Jews who were in hiding, and even participated in the massacre itself. In some parts of the country, they welcomed the Nazis as liberators and wholeheartedly embraced Hitler's final solution.

The tragedy of Babi Yar should serve to remind us of man's capacity for evil. Today, as members of a society that respects human rights and the value of human life, Babi Yar serves as a reminder that rational, well-educated individuals are capable of the inhumane activities which transpired. It is difficult to imagine that German soldiers often laughed at the screams and cries of their bloodied victims, while others gathered around the slaughter—as if watching a circus spectacle. Although they were educated members of a modern society, similar in some ways to ours, their indoctrination and anti-Semitic ideology enabled them to treat their fellow beings in this way.

More importantly, Babi Yar should renew our determination to fight anti-Semitism and racism, even when these attitudes are not openly expressed. The Jews, in spite of the centuries of anti-Semitic violence perpetrated against them, never expected the cooperation their non-Jewish neighbors would offer to the Nazis. They were unaware that prejudices, which might have appeared insignificant at the time, were in fact the seeds of a betrayal that would cost them their lives.

I am saddened that even after events like Babi Yar, anti-Semitism, racism, and other ideologies of hatred are still alive and well in the world today. In fact, 2 days ago, on the actual anniversary of Babi Yar, the New York Times reported a brutal wave of attacks on foreign migrants in Germany, led by racist youth gangs. Neo-Nazi and skinhead groups in recently unified Germany have been using the frustration caused by that country's high unemployment to spread their anti-Semitic views. If there is one thing that the events of Babi Yar have taught us, it is that their message of hate cannot be ignored. When will we ever learn?

As we commemorate this sad anniversary, I implore my fellow Members of Congress as well as all freedom-loving people to use the memory of Babi Yar to maintain a constant vigil against anti-Semitism and all forms of hatred. Only by fighting these ideologies aggressively can we ensure that similar atrocities will never be repeated. Only in this way can we make sure that the victims of Babi Yar did not die in vain.

Mr. HUGHES. Mr. Speaker, today I am honored to pay tribute to the victims of Babi Yar. This year marks the 50th anniversary of this horrible event.

Babi Yar is an area outside of Kiev in the Soviet Union. It was here that 33,771 Jews were systematically murdered in a 2-day period in 1941. The victims of this slaughter were mostly children, mothers, the elderly, and the sick. Their bodies were buried in a ravine after being beaten and shot by Nazi soldiers.

The killings continued in this ravine for quite some time, and by the end of 1943 as many

as 100,000 bodies, 90,000 Jewish, were buried in this mass grave.

In 1943 the Nazi Army attempted to cover up all the evidence of this massacre. Soon thereafter the atrocities of Babi Yar were discovered, but it still remains a virtual secret 50 years later.

Babi Yar had been left a silent issue without any acknowledgement until a memorial was finally erected in 1976. Even this memorial fails to specify the victims and is of little comfort to mourners. It is time for us to pay tribute to those who were so brutally sacrificed at Babi Yar, and focus world attention on this horrible and dispicable act against humanity.

This tragedy needs to be recognized and not forgotten. To allow this anniversary to pass without recognition would be a tragedy in itself. The only way to make sure such a grizzly episode is not repeated is to remember and learn. Not only do we need to remember this horrible event, but we need to remember and honor those who perished there.

Today, now that the complexion of the Soviet Union has changed, we can fully recognize Babi Yar. Through this recognition its importance and significance will be realized and never forgotten.

Mr. SIKORSKI. Mr. Speaker, in 1941, in the days between Rosh Hashanah and Yom Kippur, the Jewish New Year and the Day of Atonement, 33,771 Jewish men, women, and children were murdered in Babi Yar Ukraine. In the months that followed, Babi Yar remained an execution site for more Jews, Gypsies, Soviet prisoners of war, and the hospitalized handicapped. Soviet reports after the war spoke of 100,000 dead. The true number may never be known.

For the first time in the past half century, formal ceremonies sanctioned by the Ukrainian Government are being held at Babi Yar to remember these victims. It is also significant that, for the first time, they will be mourned not as anonymous Soviet citizens, victims of Nazi fascism but as Jews, murdered in a systematic Nazi program of genocide, the "Final Solution to the Jewish Question."

I appreciate the opportunity to speak in memory of those victims of hate and ignorance. The commemoration of the events at Babi Yar is both a symbol of our continuing vigilance against the rise of hate and violence around the world, and a reminder of the price we may pay if we fail to learn from the past.

Fifty years ago, the world became aware of the monstrous acts prepetrated by Hitler and the Nazis. Since then, we have used memorials and commemorations of the events of the Holocaust to declare never again. We make these declarations not only to condemn the murder of 6 million Jews, but also to reaffirm the words of Martin Luther King when he said that "injustice anywhere is a threat to justice everywhere." I have always believed that these declarations are fundamental calls to action which oblige us to continue the fight against crimes against humanity. To truly honor the memory of the victims of the Nazis and their collaborators, we are obligated to actively fight for the rights and lives of those individuals who continue to face hate, death, torture, bigotry, starvation, and neglect. This means fighting to end the rampage of death squads in Central America. This means fighting to end anti-Semitism in the Soviet Union. This means fighting to end starvation and infant mortality in Africa. And this means fighting to end homelessness and crime in the United States.

Commemorations such as the one taking place in Babi Yar remind us of the price that we pay if we fail in our vigilance. I often think of the words of a lonely priest who was being led to a Nazi gas chamber. He wrote:

First they came for the Jews and I did not speak out—because I was not a Jew.

Then they came for the communists and I did not speak out—because I was not a communist.

Then they came for the trade unionists and I did not speak out—because I was not a trade unionist.

Then they came for me—and there was no one left to speak out for me.

These words serve as a warning to those individuals who do not want to be bothered with the suffering of other human beings or who don't want to get involved. The events at Babi Yar are a poignant reminder of the heavy price of indifference.

We should note that the commemoration ceremonies that are taking place this week also signal a new era in the Soviet Union. It is heartening that after 50 years of denial and neglect by the Soviet Government, the new Ukrainian Government is acknowledging the human tragedy that took place at Babi Yar. It is inspiring to watch as Jew and gentile come together to remember the 50th anniversary of the massacre. I am hopeful that this event marks an era when anti-Semitism ends in the new Soviet Republics, and all Jews enjoy the right of free emigration.

I also use this opportunity to voice concern regarding recent reports that Nazi collaborators may be among the 50,000 Ukrainians who have been officially exonerated of Stalin-era crimes. Although I certainly understand the desire to free the victims of the Communist regime, I hope that any individual who is guilty of crimes against humanity will not escape justice. I can think of no greater stain on the memory of the victims of Babi Yar than having some of their executioners walk free.

As time passes, there is the danger that the tragic events of the Holocaust will fade from memory and the lessons that we have learned from that painful episode will be lost. It is our responsibility, and it is the responsibility of every other human being to remember the lessons of the past, and keep vigil against the modern descendents of Hitler and hatred.

Mr. MATSUI. Mr. Speaker, 50 years ago this week, on September 29–30, 1941, Nazi soldiers massacred 33,271 Russian Jews at Babi Yar. Today, I would like to take a moment to reflect on the meaning of this act of human savagery.

Why is it important for Members of Congress to stand and recount the tragic events of Babi Yar? First, we represent the American people who care deeply about human rights and the well-being of the people of the world. Second, the United States and the countries of the world have a responsibility to come to the aid of those being persecuted. Third, anti-Semitism is as pervasive as ever and still threatens the welfare and safety of millions of Jews. The tragedy of the Holocaust is not only that 6 million Jews were murdered, but that anti-Semitism remains such a destructive force today.

While the events at Babi Yar demonstrate the brutality of which people are capable, it is not enough to admit this sad fact and resign ourselves to the constant threat of its reoccurrence. The Nazi war machine was neither a faceless monolith nor Adolf Hitler and a bunch of people just following orders. The Nazi soldiers at Babi Yar were not born wanting to kill Jews. Rather, they lived at a time and in an environment that allowed their ignorance and hatred to develop, and served a psychopathic dictator that empowered them to commit murder under the direction and protection of the Government.

It is imperative that the United States work to ensure that the circumstances leading to Babi Yar are not repeated. The United States must continue to take an active role in promoting democracy and human rights abroad. Further, we must closely monitor reports of anti-Semitism and use our considerable influence to demand equal protection under the law for people everywhere.

Mr. Speaker, 50 years ago this week, thousands of innocent men, women, and children were gunned down because of their religious and cultural heritage. While our statements here today are ones of remembrance and sadness, they are also symbolic of our commitment to avoiding any reoccurrence of the nightmare at Babi Yar. Together, let us take a pledge to remember the tragedy of Babi Yar, to understand its lessons, and most importantly, to do all we can to prevent it from happening again.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to join my colleagues in commemorating the 50th anniversary of the massacre at Babi Yar.

Fifty years ago, the Ukrainian Jewish population was almost annihilated. Nazi machine-gunners and Ukrainian henchmen butchered 33,771 innocent human beings in just 36 hours. The Ukrainian Jews, along with gypsies and Communists, were forced into rows in front of pits filled with corpses. They were then shot and killed: men, women, and children alike. Those pits were then covered with dirt, the perpetrators hoping the world would soon forget.

The Soviet Union shared the Nazi hope that Babi Yar would be forgotten. The Soviets refused until 1976 to even acknowledge that these fields outside of Kiev held the bodies of thousands of Jews, gypsies, and Communists. When the Soviet Government finally did acknowledge the tragedy that had occurred, they had the audacity to continue to deny the fact that amongst the murdered individuals were Jews and gypsies.

I recently returned from Eastern Europe where I met with representatives of Jewish communities living in Hungary, Czechoslovakia, and Bulgaria. These Jews have never known complete safety. They continue to live in a state of fear. They remember well what happened at Babi Yar, and they fear that the recent breakup of the Soviet Union could very well lead to a resurgence in the type of ethnic nationalism which has imperiled Eastern Europe's Jews for generations.

Today, we are rising to say that we have not forgotten. And in the Ukraine, at long last,

a day of national mourning has been declared and a 15-foot menorah was erected last week at Babi Yar to remember the Jews who lost their lives in that tragedy. That monument should help ensure that they will never be forgotten.

As Members of the U.S. House of Representatives we have a responsibility to remind the world of the massacre at Babi Yar and of the Holocaust. To fail to do so would leave open the frightening possibility that memories would fade and that such tragedies could occur again. That is a risk none of us should ever accept.

Mr. RAMSTAD. Mr. Speaker, today I rise to memorialize the 50th anniversary of the Babi Yar massacre.

On September 29–30, 1941, German S.S. and Gestapo units, created to carry out Hitler's "final solution," perpetrated the single most horrific instance of mass murder in World War II, when 33,771 Jews, mostly women, children, and the elderly, were executed in 36 hours of nonstop barbarism. Whole families were marched in front of German machine guns, their bodies falling into the ravine called Babi Yar.

These Jews sacrificed their lives for their faith. Yet for 50 years the Soviet Government has failed to acknowledge the full extent of this atrocity. The truth remains that many Soviets were sympathetic or indifferent to the German campaign of genocide.

The Soviet Union has a long history of anti-Semitism. For decades Soviet Jews have been wrongfully arrested, denied employment, and harassed. Although recent events have loosened the restrictions on immigration, many hardships continue to face the Jewish community still residing in the Soviet Union.

Thousands of Soviet Jews wish to start new lives with peace and freedom in Israel. The United States has an opportunity to assist this cause of liberty simply by guaranteeing commercial loans for Israel to absorb these refugees.

Mr. Speaker, let us remember those who sacrificed so much at Babi Yar by giving their survivors and descendants the gift of freedom. To do any less would stand against all the principles this country holds so dear.

Mr. SWETT. Mr. Speaker, I rise today to join my colleagues in remembering the Babi Yar tragedy which took place 50 years ago. I wish to thank my colleagues, Mr. SOLARZ and Mr. FEIGHAN, for calling this special order regarding this most tragic chapter in history. I think it is altogether fitting that as we continue to fight for freedom and human rights throughout the world, we remember the tragedies of the past so that such atrocities never occur again.

When reflecting upon the murderous events of the Holocaust, descriptions of Auschwitz and Dachau come to mind, but nothing haunts the minds and dreams of Jews as much as the horror that took place at Babi Yar at the end of September 1941. It was at this spot near Kiev the Nazi officers assembled a special task force to annihilate the Jewish people.

On September 29, 1941, this task force issued an order throughout Kiev that all Jews must congregate or be shot. The Jews, unaware of what the Nazis were doing in Germany, arrived peacefully, thinking that they were to be relocated. They were marched to a ravine called Babi Yar and indiscriminately shot.

Mr. Speaker, the massacre at Babi Yar continued for 36 hours straight and resulted in the death of over 33,000 Soviet Jews. During the ensuing months, the death toll of Soviet Jews in Kiev from this genocide climbed to over 100,000.

The Nazis tried to obliterate all the evidence of this vicious and despicable deed. The details that we have are from the carefully taken records that were sent to high-level officials in confidential reports. The coverup was clumsy and the facts are now known.

It is painful even to discuss these events. Yet, we must remember them so that they are never forgotten, so that we never relax our struggle to fight the vicious evils of racism and anti-Semitism and to defend the rights of individuals throughout the world. As Anatoly Kuznetsov reminded us: "History will not be cheated, and nothing can be hidden forever."

The Holocaust so shocked the world when its horrors were fully revealed that it gave birth to the Universal Declaration of Human Rights. Mr. Speaker, as we solemnly recall this unspeakable tragedy of a half century ago, let us recommit ourselves to work toward universal respect for human rights.

Let us reaffirm our commitment to the fundamental principle of our Constitution—the importance of the individual. Tragedies occur when nations fail to observe human rights. If we tolerate bigotry and hatred, we may be setting the stage for another Babi Yar. As we remember Babi Yar, let us recommit ourselves to protect and uphold the fundamental rights of individuals.

Mr. SCHEUER. Mr. Speaker, I rise in solemn reflection on the events of September 29 and 30 almost exactly 50 years ago, in the woods outside of Kiev. In those 2 days, the Nazis and their helpers murdered 33,771 Jews.

The German army captured Kiev on September 19, 1941. Soon an order was posted stating:

> Yids of the city of Kiev and surroundings: You are to appear by 7:00 a.m. with your possessions, money, documents, valuables, and warm clothing at Dekhtyarev Street, next to the Jewish cemetery. Failure to appear is punishable by death.

From the cemetery, the Jews of Kiev were marched 2 miles to the ravine of Babi Yar.

There, the Germans forced them to strip, placing their jewelry and valuables in one pile, their clothes in another. Then they were told to stand at the edge of the ravine—boys and girls, men and women, young and old.

And then the machine guns fired; 33,771 Jews were mowed down.

Subsequently, more Jews, Gypsies, Soviet prisoners of war, and handicapped people were executed at Babi Yar—Soviet reports after the war number the dead at 100,000.

In order to hide this atrocity from the world, the Germans, fearing a Soviet recapture of the Ukraine in 1943, supervised as forced labor dug up and burned the bodies. These laborers were to be killed at the conclusion of their job, but 25 escaped and the 15 who survived lived to tell what they had seen.

There have been other efforts to hide the massacre too. Until 1976, the Soviet Government refused to acknowledge the monstrosity, even then only erecting a monument that ignored the Jewish deaths.

Now, gratefully, as the totalitarian nightmare in Eastern Europe recedes, the memories of officialdom are clearing. The newly independent Ukrainian Government has taken strong steps toward addressing the past, having designated September 29 as a "day of memory and sorrow" and holding a week of events memorializing the event. Just 2 weeks ago, the Ukrainian Foreign Minister attended a synagogue in New York to commemorate the massacre.

I salute my colleagues STEVE SOLARZ and ED FEIGHAN for holding this special order so that we, too, may remember and pay tribute to the victims of evil.

Ms. PELOSI. Mr. Speaker, I join with many of my colleagues this week in recognizing the 50th anniversary of the single most concentrated episode of mass slaughter during the Holocaust: Babi Yar.

Today is the fourth day of a week of commemorative events during which we are remembering and reflecting on the nearly 34,000 Jews who lost their lives over a 2-day period in a ravine in Kiev, and the tens of thousands of Jews and non-Jews who met the same fate over the next 2 years there. During this time let us remember, too, the families and loved ones of the Babi Yar victims who confront their terrible loss every day.

Nearly 12 million Jews, individuals of various Slavic ethnicities, homesexual men and women, gypsies, the disabled, and other groups singled out by the Nazis were slaughtered during the Holocaust. We all know the history of World War II and of the unthinkable atrocities committed in the death camps.

The terrible and unpredictable capacity for man's inhumanity against man is embodied in the Holocaust. The world continues to unfold in waves of revolution—revolution for the very rights denied to the victims of Babi Yar. In a world of unfolding democratic values and belief in individual rights and freedom, we must remember those who were sacrificed. And, in their memory, we must fight for human rights.

We must continue to strive for an improvement in human rights on a governmental and individual basis. Individuals saved the lives of a number of people under threat of persecution by the Nazis, but acting alone they could not fight such a rising tide of hatred.

In the years following World War II, the United States has led the world in ensuring the success of the State of Israel. We must reaffirm our commitment to a strong Israel. Our support is a measure of our belief in the rights to Jews and all people to prosper in their homelands.

Mr. SMITH of Florida. Mr. Speaker, with good reason, the massacre at Babi Yar has become synonymous with the idea of remembrance. Some 33,000 Jews were shot in a ravine near Kiev in a day and a half, and half a century passed before they were remembered, not as "Soviet citizens," not as "victims of fascism," not as "martyrs in the great patriotic war," but as Jews. At Babi Yar, wrote Yevgeny Yevtushenko, "all screams in silence," and in his courageous words, he pinpointed the essential truth of Babi Yar: that we have a moral need to remember, that the re-

fusal to remember is no less an act of genocide, that the desire to forget is the ultimate moral abdication.

When we recall Babi Yar, we grasp the monstrousness of Nazism. The German Schutzstaffel, which carried out the massacre, applauded itself in its official report for the clever stratagem that was used to bring the Jews of Kiev to Babi Yar. The day before the roundup, notices were posted, ordering Jews in the just-conquered city to appear on Monday, September 29, 1941, at a corner near the cemeteries. They were told to bring "their documents, money, other valuables and warm clothes."

The Germans spread rumors that the Jews would be evacuated to a ghetto or a labor camp. They warned that Jews who disobeyed would be shot, but so would non-Jews who broke "into flats left by the Jews" to take "possession of their belongings.' The next day, in trepidation, yet not without hope, Jews in great numbers assembled.

They were herded into a closed area bounded by barbed wire. Hundreds of Germans, assisted by the Ukrainian militia, prevented their escape. They were ordered to put down their belongings and to strip. They were led in groups down the side of the ravine, and machine gunned from the opposite side. The wounded were buried along with the dead. With a ghastly precision, the Schutzstaffel reported that 33,771 Jews were killed that day. By the end of the German occupation, more than 100,000 people, most of them Jews, had met their deaths at Babi Yar.

When we recall Babi Yar, we encounter history's hard realities and apportion responsibility. Babi Yar was not committed by robots, or faceless agents of history, but by real people. By the thousand men who formed Einsatzgruppe C of the Schutzstaffel, by the few hundred who comprised Sonderkommando 4A, by the dozens of Ukrainian militiamen who welcomed the Germans as liberators and willingly aided the slaughter.

Babi Yar did not take place in a vacuum. In the 500 years preceding the massacre, the Jewish presence in the Ukraine was scarred by violence, expulsion, and discrimination. The Jews of Kiev were assaulted in repeated pogroms, and were hammered on the anvil of famine and terror in the 1930's.

The massacre at Babi Yar was not an accident. Babi Yar was the culmination of centuries of anti-Semitism, that demonized the Jews and aggrandized the German Nation, that categorized humans by race and culture, that turned whole peoples into inferior objects that existed, as the late author Jerzy Kosinski put it, "only to be exterminated."

When we recall Babi Yar, we make moral judgments. Mass murder without awareness of the consequences is the stuff of fiction. When the Nazis recalled Babi Yar, as the Red Army closed in from the East in February 1944, they tried to cover up what they had done. They unearthed and burned more than 100,000 bodies from the ravine. Yet witnesses to this desperate attempt survived to testify, and thousands of bodies remained to silently indict the Nazis.

When the Soviets recalled Babi Yar, they refused to memorialize Jewish suffering, and in so doing, revealed the essential inhumanity and hypocrisy of communism. As Yevtushenko pointed out, for all their talk of "the union of the Russian people" and "the brotherhood of man," the Soviets compounded the acts of the Nazis by denying peoplehood to the Jews of Babi Yar, even in death.

The erection of a proper monument at Babi Yar, so recently accomplished, speaks volumes about the moral redemption of the Soviet people, and especially, the people of the Ukraine. The marker at Babi Yar renounces not only Nazi racism, and its Ukrainian collaborators, but five decades of indecent acts that followed: the hounding of Yevtushenko; the plans to build a sports stadium on the site of the ravine; the reemergence of nationalist anti-Semitism, as exemplified by Trofim Kitchko's notorious Judaism without embellishment; the harassment of Jews who tried to live as Jews, or emigrate; the transparently anti-Semitic depiction of Israel and Zionism; and the vile monument erected by the Communists in 1976, that made no mention of the Jews.

When we recall Babi Yar, we chart a path for the future. Remembrance is inseparable from responsibility. In recalling Babi Yar, we commit ourselves to a higher standard of public policy: in the face of racism and hatred, we will not remain silent, simply out of political expedience or in deference to local sensibilities.

In recalling Babi Yar, we resolve to call to account those who deny the Holocaust, and, in a larger sense, to confront distortions of history and misrepresentations of truth.

In recalling Babi Yar, we remember that a vital community was nearly wiped out in a day, that it painfully reconstituted itself after World War II, and that the ultimate message of Babi Yar is not death, but survival.

In recalling Babi Yar, we commit ourselves to proclaim freedom, the freedom to live in peace and the freedom to live elsewhere.

In recalling Babi Yar, we commit ourselves to remember the past, and to learn from it, and to never forget.

Mrs. MEYERS of Kansas. Mr. Speaker, exactly 50 years ago the Holocaust saw its bloodiest 36 hours. The most brutal episode in the most inhuman display of bigotry in history took place in a ravine north of Kiev called Babi Yar. There, the Nazis murdered 33,371 Jews in a day and a half. Over the next 2 years the killing continued until over 100,000 Jews, Gypsies, handicapped people, and Soviet POW's had died in Babi Yar.

When Germany invaded the Soviet Union in June 1941, in the wake of the Wehrmacht assault forces came the SS Einsatzgruppen. Their mission, assigned by Hitler himself, was to exterminate all Jews and Soviet officials.

On September 19, 1941, the German Army captured Kiev, the capital of the Ukraine and the third largest city in the U.S.S.R. Ten days later, the Einsatzgruppen posted notices ordering the city's Jews to report with all their belongings for resettlement. The Jews were then marched north to the ravine at Babi Yar.

When they reached Babi Yar, they were ordered to strip, and were led in small groups to a narrow ledge along the ravine. There they were shot with machine guns. As each new group was massacred, they fell onto the bodies of those who had preceded them. Not all were killed instantly by the bullets, and they were buried alive in the mass of humanity.

Over the next 2 years, thousands more were murdered at Babi Yar. Then as the counterattacking Red Army approached Kiev, the Germans attempted to remove the evidence of the murders. The bodies were exhumed and burned by concentration camp inmates, who were then to be killed. On September 29, 1943—ironically 2 years to the day after the massacre—25 of the prisoners escaped: 15 of them would survive to tell the tale.

Even after the war the indignities for the victims of Babi Yar continued. The Soviets refused to memorialize the Jewish dead at Babi Yar. It wasn't until the 1970's that any monument was erected at the site. And yet, the fact that the preponderance of the victims were killed because of their faith was blatantly ignored.

Finally this year, the Ukrainian Government is recognizing and commemorating the special significance of Babi Yar and its connection with the Holocaust. A new memorial is being created at the edge of the ravine to emphasize the Jewishness of the victims.

It took 50 years to remember properly the horror of Babi Yar. We must now make sure it is never forgotten.

GENERAL LEAVE

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

ESTABLISHING A BIPARTISAN COMMISSION TO STUDY THE POSTAL SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BROOMFIELD] is recognized for 60 minutes.

Mr. BROOMFIELD. Mr. Speaker, the purpose of this special order is to discuss my resolution (H. Res. 194) to establish a bipartisan commission to study the Postal Service.

Let me make very clear at the outset that this resolution does not seek to privatize the Postal Service.

It has been 20 years since the Congress made the Postal Service a quasi-independent entity.

If anything, the Service has further deteriorated since then. That's why it is time to take a fresh look at the problems with the Postal Service and figure out ways to solve them.

I am happy to report that almost one-third of the House has sponsored this resolution. My constituents have expressed their concerns about the Postal Service and I want to share their views with you.

But first, I'd like to recognize Congressman MCGRATH of New York who has cosponsored this bill and who

agrees with me that something must be done to improve the Postal Service.

Mr. Speaker, I yield to the gentleman from New York [Mr. MCGRATH].

□ 1700

Mr. MCGRATH. Mr. Speaker, I appreciate being afforded the opportunity to participate in this special order regarding U.S. Postal Service flaws. Untenable postal problems have been rampant in my district over the past several months.

I am alarmed that changes ostensibly designed to streamline and improve mail delivery, have instead, engendered serious declines in the quality of service. During my first 10 years in Congress, constituent complaints on postal matters were sporadic, and confined to isolated individual circumstances. Since the institution of the recent modifications, however, I have been contacted on an almost daily basis by irate constituents. The sheer number of grievances voiced by letter—and phone calls—is staggering. Since April, for instance, I have received approximately 300 letters of complaint regarding the Postal Service, not to mention countless phone calls. Additionally, the lack of adequate mail services was the No. 1 issue broached by district residents at the numerous town meetings I conducted this summer.

Businesses and consumers have been damaged by late delivery of sales notices and catalogs. Civic association members have received meeting notices more than a month late. People have called and written to inform me that they would have liked to participate in one of my town meetings, but received the meeting notice when the forum had already occurred. Patrons mailing bill payments have run the risk of late penalties due to delays in delivery on both ends. A full week has passed before the delivery of first class mail within one village. Letters mailed out of my Washington Office on August 5 and 8 have reached my constituents on September 11, over 1 month later. To fully appreciate the gravity of this breakdown, it is instructive to note that the period of time these letters took to travel between the Washington, DC area and New York, is longer than that needed to travel between the two points in the 1700's.

Neither my constituents' complaints, nor my own, center around the job performance of letter carriers, or the rank and file postal workers, but around the system itself and the attitude of management. Indeed, I have spoken with letter carriers who are as frustrated as my constituents and I, by delivery difficulties, management's failure to address these concerns, and management's cavalier attitude when dealing with grievances from customers. Many postal patrons who were actually able to speak to managers, found that they were treated with contempt and that their concerns were taken lightly. Despite numerous meetings between members of my staff, and local postal officials, no steps have been taken to correct either systemic delivery problems, or the attitude of many postal officials.

Recent changes in internal processing procedures have been poorly and incompletely implemented. Postal officials claim that they have taken the actions necessary to correct unforeseen difficulties arising from such moves as route adjustments, changes in carrier assignments, attrition of employees, and the activation of the pilot remote bar code system program which automates mail processing. If national deployment of this automation system bears any resemblance to the partial deployment in my district, the country can look forward to disgracefully poor mail service, and serious systemic problems. Postal management maintains that primary objectives during activation and implementation of the new system, included minimizing disruptions to patrons and carriers, as well as maximizing savings. Presuming that these were indeed the operative goals, the Postal Service failed miserably as far as minimizing the adverse impact on the customer.

Occasional glitches are to be expected when wholesale changes take place in any system, but the pattern of postal inefficiency has continued long beyond any reasonable period of transition. The Postal Service's failure to develop safeguards against such a rocky transition period have subjected the public to unconscionably, deficient delivery quality levels. Responsibility can no longer be attributed to startup difficulties. Rather, postal management must accept its duty to correct current problems, and forestall future ones.

Glib assurances suggest temporary delivery complications are close to being solved. These attempts to minimize the problem are unacceptable. Postal patrons have suffered long enough. We must stand together to see that basic service is actually provided, and that unnecessary inconveniences cease. The needless hardships experienced by postal customers must be eradicated. For this reason, I believe that it is time the Postal Service thoroughly examines its own procedures, and make efforts to change those methods, which inflict distress upon the average citizen.

Furthermore, I would suggest that postal officials remember that failure to repair their mistakes will radically lessen congressional support for the postal system. The time for stalling and passing the buck is past. I call on the Postal Service to respond to the concerns of its patrons, and take immediate and comprehensive action to assure that all of us are provided the quality service to which we are entitled. Failing that, I call upon my colleagues in this distinguished body, to take action to compel correction of postal difficulties. I do not, however, suggest privatization of the USPS.

Turning the USPS over to private businesses would, I believe, lead only to further delivery problems, and higher costs to the consumer. Mail service has been provided by the Federal Government from the earliest days of our Nation and, despite its problems, we would be foolish to give up a system which has worked for so long for a delivery method whose precise results are unknown.

Mr. Speaker, let me just conclude by saying that my frustration level is beyond my capacity to tell you. I am hoping that this special order will serve as a warning to the administrators of the postal system that something is desperately wrong with the service that our constituents are receiving at this particular point in time and that I hope that a remedy is around the corner.

I thank the gentleman from Michigan for taking out this special order and giving me an opportunity to vent my frustrations.

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman from New York for his contribution.

Mr. Speaker, in July I introduced a resolution (H. Res. 194) that would create a blue ribbon, bipartisan commission to look into the many constituent complaints that Congress has been getting about the U.S. Postal Service. The commission would investigate ways of reorganizing the Postal Service so that it provides better service.

This resolution is a straightforward and much needed piece of legislation. Nearly one-third of the House have signed on as cosponsors.

The concept of the resolution is one that every Member of Congress should welcome. It lets a little sunshine in on the operations of the largest domestic organization that the U.S. Government is responsible for.

More than $48 billion a year: That has got to put it among the top 10 companies in America.

The time is long overdue for a commission. However, the House Committee on Post Office and Civil Service has told me that they oppose this resolution.

I have the greatest respect for my friend Chairman BILL CLAY. But Mr. Speaker, why is the Post Office and Civil Service Committee afraid of this bill? Why is the Postal Service afraid of this bill as well? What are they hiding? What are they concerned about? Everywhere I turn, the Postal Service and their friends in Congress are putting on a full court press, intimidating Members with the enormous clout the postal organization wields through strong-arm lobbying and PAC contributions.

From my vantage point, I see the situation turning into a standoff between the postal management as well as its friends in Congress and the vast majority of the people they are supposed to serve—more than 100 million homes and businesses in our country.

Just a few days ago I got a report from a postal union official from the Midwest who said that his union local was beginning to see the first efforts in a campaign to sabotage the proposed bipartisan commission.

The ammunition in this anti-commission campaign included a Dear Colleague letter sent by Postal Committee Chairman CLAY—a letter originally intended for just the 435 Members of Congress, but now being sent to hundreds of thousands of postal employees around the Nation.

The military-industrial complex has nothing on the postal-congressional complex.

Some of my colleagues might be surprised that I got this information from a union official. I am not. In fact, some of the most intense opposition to the way the Postal Service is being run today comes from within the organization itself.

I have heard from postmasters, from union officials, and from men and women of the Postal Service who serve on the front lines.

Just last week I got a letter from an association that represents injured Federal workers. This association charged that when it comes to honoring the claims of injured workers, the Postal Service has one of the worst records in our country.

The workers who write us have a real stake in the Postal Service. They know that their organization could be managed a whole lot better, and they have the integrity, the courage, yes, and the civic responsibility to come forward and ask that something be done about it.

This resolution responds to their concerns and to the concerns of millions of Americans who use the postal system and have watched it deteriorate year after year.

First, let me tell you what the resolution does not do. It does not call for privatization of the Postal Service.

I must tell you this because of the thick fog of propaganda that has settled over this proposal. Ever since I introduced it, the postal-congressional complex has been falsely claiming that this resolution is nothing but a backdoor way to privatization. That is simply not true.

The commission should study anything that will make for a better postal system, and that is what I am after.

Now let me tell you what the resolution does. It calls on the President of the United States to create the Commission, and insists that it be a bipartisan one.

It would include Members of Congress from both parties. It would include members of the Postal Service management and representatives of the postal unions. It would also include individuals who do not serve in government.

A real cross-section of America. A traditional town meeting on an organization that day in and day out affects more Americans than any other government—affiliated entity that I can think of.

The makeup of the Commission is critical, I believe no commission that has such a widespread impact on the lives of so many Americans could hope to succeed unless it was viewed as being representative of every interest.

The Commission's makeup ensures that the people who deliver the mail door to door, who work in the huge distribution centers, or in any number of service areas, will have their interests fully represented at each and every meeting.

It ensures that the Commission will benefit from the input of postal management, from its day-to-day familiarity with the operations of the Postal Service.

It also ensures that the representatives of 240 million American people, Members of Congress who represent different parties, different areas of the country, people with different income levels, will be there at the table to make sure that whatever comes out of the Commission is acceptable to the broad spectrum of the American postal ratepayers.

Finally, there will be spots for the Postal Service's customers: businessmen and women, housewives, farmers, people who have firsthand experience with the strengths and weaknesses of the current postal system.

The Commission would be given no secret mandate. The only mandate they have is to come up with a plan that will force the Postal Service to provide better service.

The key is better service. My friends at the Postal Service and on the Postal Committee say everything is running along just fine. Oh maybe a little fine tuning here, or a couple of adustments there; but outside of a few adjustments, everything is A-OK.

That is flat wrong. They are not listening to their customers or the American people.

The people who the Postal Service is supposed to serve have had it up to here with declining postal service and rising postal costs. My constituents write almost daily—to me and to the local newspapers—complaining about the Postal Service.

A sample of letters printed in the Royal Oak Daily Tribune and received by my office during the summer follows:

[From the Royal Oak Daily Tribune, Aug. 12, 1991]

SLOW DELIVERY

The Berkley senior citizen newsletter was mailed July 23. I just received mine today, August 8. What's the matter?—Berkley.

GIDDYAP!

I mailed a letter at the Royal Oak post office on Sunday, August 4. It reached its destination on August 8 in Southfield. At that rate, they should bring back the horses and send the mail by pony express—faster and cheaper.—Oak Park.

[From the Royal Oak Daily Tribune, Aug. 13, 1991]

MAIL MALADY

Our mail service stinks. We're getting our mail later and later every day, sometimes at 6:30 p.m. Also, they must hold mail at the post offices since we get our circulars when the sales are half over. They want to raise the postage rates again, but before they do they'd better first provide better service. Either that or let's have an independent mail carrier.—Madison Heights.

SHORT-STAFFED?

So you think your mail is late? You should live in Southfield and wait until the next day because the postmaster tells me there weren't enough people to deliver it. He skipped a day's mail because there wasn't enough help.—Southfield.

IT'S POSSIBLE

In response to Friday's Soundoff, you can tell the human resources director for the post office that it is possible for someone to be receiving mail at 7:45 p.m. Ours was delivered at 7:15 p.m., and I couldn't believe it.—Royal Oak.

[From the Royal Oak Daily Tribune, Aug. 2, 1991]

WHERE IS MAIL?

It's 5:30 and on North Vermont we still don't have our mail delivered yet. Come on post office. Let's do something. The post office doesn't answer the phone. Where is our mail?—Royal Oak.

[From the Royal Oak Daily Tribune, Aug. 5, 1991]

LAZY CARRIERS

To the person in Berkley: I understand exactly how you feel. A couple months back we always got our mail at 11:30 a.m. Now it comes at 3 p.m., sometimes 5 p.m. We should start complaining to the post office to make sure they are on time to deliver the mail. I think it is because they are tired and lazy and don't want to work no more.—Royal Oak.

[From the Royal Oak Daily Tribune, Aug. 9, 1991]

NIGHT MAIL

So you think getting mail at 5 p.m. is late? I saw a postman delivering mail on Monday at 7:45 p.m. on Stephenson. Is he getting overtime or has the post office added an afternoon shift for carriers? Just wondering.—Royal Oak.

(Ed Note: Director of Human Resources Howard Byrne says that really couldn't have happened, not even for express delivery. (If there's a next time, try to get the number of the truck. It's centered over the windshield.))

STARTING LATE

I'm a letter carrier with the post office and people are wondering why their mail is coming so late. The reason is that the management keeps changing our starting times. When I first started at the post office, we were starting at 6 and now we start at 8.—Royal Oak.

(Ed Note: Director of Human Resources, Howard Byrne, says the post service's nationwide effort to cut costs by moving to automation means the mail is being sorted later in the day—at 8 a.m., rather than 6 a.m.)

[Letter from a constituent, July 18, 1991]

I receive a daily newspaper (USA Today) and it is coming one day late on many occasions. I have been to the new post office in Milford to complain and the problem is not resolved. I also filled out PS Form 4314-C on July 8, 1991 and returned it to complain of the service . . .

I would like my service to be at least as good as it was before they made the changes in the post office from Union Lake to Commerce Township. As a taxpayer and a captive user of the U.S. Postal Service, I can't understand how rates go up and service goes down.—Commerce Township.

[Letter from a constituent, July 20, 1991]

My mail delivery as of July 1 is in shambles. I am missing all kinds of publications as well as first class mail, or receiving them up to two weeks late. I am getting long distance calls from correspondents who mailed me important first class materials and did not receive my reply (since I never got them) . . .

I feel that I am living in a developing country. What is happening to us? Who is going to compensate me for my wasted time and problems resulting from first class mail which did not reach me? To what depths of inefficiency do we have to plunge before this country wakes up?—Bloomfield Hills.

[Letter from a constituent, July 29, 1991]

As you can see by the enclosed envelope, postmarked Hartford, Conn. and on the back postmarked Port Huron, MI—our mail is getting to us, not directly, but via Port Huron.

We have had mail from Pa., Mass., Florida, etc—all go to Port Huron—first—and then to us! This is progress? It stinks—and we are mad.—Bloomfield Township.

[Letter from a constituent, Aug. 5, 1991]

The Post Office keeps asking for increases in postal rates in order to improve service but all we, the public, see are increased rates and decreased service.—Birmingham.

[Letter from a constituent, Aug. 12, 1991]

I just sent a letter to the Postmaster in Troy listing all the "goofs" that had happened in a three month period of time. Yes, this system is in a mess. and it is coming from the administration of the organization.—Troy.

At a time when more and more businesses remain open on weekends, when it is getting harder and harder for two-earner families to get all the family chores done during the workweek, the Postal Service is closing some of its post offices on Saturdays, reducing window hours at other post offices, and removing collection boxes from convenient locations.

The removal of collection boxes is an especially sore point. Those red, white, and blue mailboxes are as widespread and as much a part of the culture as the American flag.

But more to the point, they were put on street corners for a reason. The reason is that some of our Nation's elderly do not have the stamina to walk 2½ miles through rain, sleet, or snow to mail a letter.

Too many of those mail boxes are vanishing. It is not the local vandals who are ripping them out of the sidewalks. It is the management of the U.S. Postal Service.

The Detroit News in my area asked the Postal Service what was happening. Here is what a postal spokesman had to say about those boxes: "I think they are really becoming a thing of the past," he said.

It is not just the convenient post boxes that are becoming a thing of the past. I say thanks to postal management, service is not becoming a thing of the past.

Recently, I asked the Postmaster General about the disappearance of senior citizen express trucks. They were a real service to older people who relied on them to sell postage stamps, pick up packages, and perform other services.

What I was told was that the Senior Citizen Express Trucks Program was not a national program, and that anyway, older Americans can now obtain their stamps by mail.

I responded that if it was not a national program that it certainly should be, that instead of cutting this important program back, the Postal Service should be expanding it.

It is not enough to say that older Americans can now obtain their stamps by mail. What about packages? Many of our older people can no longer drive. Yet, come Christmas time, many of these people in many parts of the country will have no alternative but to trudge through snowy streets and sidewalks carrying bulky packages to send their grandchildren.

If the Postal Service has any competitive instincts or willingness to take on United Parcel Service or Federal Express, this would be a good time to show it. If it does not have any competitive instincts, at least it could show that it has a heart.

Post boxes and senior citizen express trucks are not the only problems.

At a time when the population is growing, and when large concentrations of people are forming new neighborhoods, it is getting harder and harder to get the Postal Service to open new offices that can serve these growing areas.

At a time when the pace of the economy is moving faster and faster, the Postal Service is implementing slower and slower standards for the delivery of first-class mail.

At a time of movement into suburbs, when all sorts of transportation and communications technology allows people to live at greater distances from each other, the Postal Service seems to be abandoning home delivery, wherever possible.

□ 1720

I am told that the Postal Service now discourages the installation of residential mailboxes at new homes, which often forces the residents to use cluster boxes.

In some rural areas, the mailboxes are often grouped together on busy highways, as much as a quarter mile from some residences, a situation which can endanger the lives of those trying to retrieve their mail.

Perhaps the management of the Postal Service can't see its way to providing better service because it has been distracted by all of the trivial pursuits it's been engaged in recently.

Why is the Postal Service now in the business of selling wristwatches when it hasn't mastered the business of delivering its own mail on time?

Why is the Post Office spending millions of dollars promoting Olympic speedsters when its own distribution system now operates at a snail's pace?

All these trinkets they are now selling, all these ads they are now running won't succeed in distracting the consumer's attention from the poor job the Postal Service is doing in fulfilling its real mission.

The Postmaster General has written me a long letter to tell me I've got things all wrong. He says he has the statistics to prove it.

He says the Opinion Research Corp. has conducted a poll. It found, he says, that 85 percent of the respondents rated the Postal Service as good, very good, or excellent.

Now I would find that statement a whole lot more convincing if he would agree to release the full study. When I asked his office for a copy of the survey, all I got was a one-page summary.

He has refused to release any backup material on the poll despite a promise he made during a speech last year at the Detroit Athletic Club. I will quote his remarks. He said he would:

Report these measurements publicly—even when the numbers are lower than we would like—so the public can judge how we're doing and if we are improving service quality over time.

More than 50 questions were asked on the survey. Yet the Postal Service releases only a single answer. This one-page summary of survey results is nothing more than a publicity handout. I do not believe it tells the public anything.

Neither does the public-interest group Citizens for a Sound Economy. They filed a Freedom of Information Act request to try to gain public access to the full results. They were turned

down flat. It makes you wonder what the Postal Service is hiding. Especially when you consider all the criticism of the Postal Service that I have been hearing from constituents, not to mention all the criticism from constituents that other Members have been getting around the country.

Service is not the only problem. The Postal Service has hit the American consumer with a one-two punch.

You remember what happened to the 25-cent postal stamp. Postal management originally demanded a 20-percent increase in the price of a first-class stamp.

What they got from the Postal Rate Commission was a 16-percent increase. That brought it to 29 cents, not something to be sneezed at during a time when most businesses would not dare to raise prices at all.

What I find incredible is that the Board of Governors of the Postal Service is still pushing for the full 20 percent—a rise in the price of stamps from 25 to 30 cents.

Of course, the Postal Service can defy the laws of economics. It is a monopoly protected by Federal statute. Generally speaking, no one else in America is allowed to carry letter mail.

The Postal Service is relentless in its efforts to protect that privilege. You will not believe this: it once threatened to sue a Cub Scout pack for delivering Christmas cards. Only a very arrogant organization would threaten to sue a Cub Scout pack. But arrogance is just what the Postal Service has become. Its monopoly position, its size, and the congressional committees that have shielded it from public scrutiny have given it an indifference to the public interest that no other organization, public or private, could afford to assume.

The best example of that arrogance was the decision by postal executives to award themselves $20 million in bonuses for their efforts during a time in which the Postal Service lost $1.4 billion in the last 3 years.

These bonuses were awarded virtually across the board. Of all postal executives eligible for bonuses, 97 percent received them.

Let me quote the Pittsburgh Press on bonuses handed out in its area.

It writes:

> $136,716 in bonuses were paid to 23 executives even though the division lost $38.3 million from 1988 to 1990, and was rocked by problems that included concealing late mail and rigging entrance exams so that friends and relatives could get jobs.

You know something is out of whack here. Very few businesses award bonuses after doing that kind of business when they are not making a profit. I thought bonuses are intended as incentives to get people to do good work. In the post office they are rewards for superior performance.

When 97 percent of the top postal managers get bonuses during a period in which they lost $1.4 billion—well, that is the strangest incentive plan I ever heard of.

Instead of awarding bonuses to its top managers, the Postal Service should have awarded bonuses to its dedicated letter carriers.

It has been 20 years since the old post office was reestablished as a quasi-independent agency; 20 years should be enough time to see whether an organization is fulfilling its mandate, whether its structure is adequate to its mission, whether it is really doing what Congress intended it to do back in 1970.

I say to every Member of Congress it is time to take a fresh and impartial look at the system and see whether the American people are getting their money's worth. We have got to assure them that Congress is doing something about it.

I hope that those Members who have not already cosponsored this resolution will do so today. I urge my colleagues to join me in this significant effort in the interest of the American people.

Mr. IRELAND. Mr. Speaker, I would like to express my complete support for House Joint Resolution 194, as introduced by Representative BILL BROOMFIELD to express the sense of the House of the great need to establish a bipartisan commission to investigate the operation of the U.S. Postal Service. I wholeheartedly commend Mr. BROOMFIELD for his leadership on this issue of growing concern to many Americans.

I could not agree more that, with growing consumer dissatisfaction and ever-increasing postal rates, it is time we take action to ensure that our constituents receive dependable service at the best rates possible. The impetus for the creation of this legislation was the recent salary raise given to USPS executives, despite serious financial difficulties. I support this legislation because I feel it will address the numerous inquiries I receive weekly about poor postal service. I believe that the creation of such a commission can only improve the current situation.

As recently as July, the Postal Service tried to push through, yet, another postal rate increase—only months after they elevated stamp prices by 4 cents. I think a recent letter that was sent out by Postmaster General Anthony Frank best explains the reason for public outrage. Mr. Frank made the following comment in a letter to Congress dated July 23, 1991: "* * * These bonuses were paid during a time the Postal Service incurred cumulative losses of around $1 billion."

This statement, alone, verifies that the U.S. Postal Service made the decision to boost executive salaries at a time when, by their own admission, they were operating with severe losses. My support for this legislation is not to hinder USPS operations, but to enhance them.

I urge my colleagues to join me as a cosponsor of this legislation to support an initiative which will demonstrate to our constituents that we will do everything in our power to ensure fair and efficient service. After all, they deserve to be heard on this issue—and, if your constituents have expressed any of the same opinions that some of mine have—it is our duty to question such inconsistencies in policy.

Mr. BROOMFIELD. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. I thank the gentleman for yielding.

First of all I want to say I commend the gentleman from Michigan for raising some of these points here today. The gentleman from Michigan is certainly one of the most admired and most well-respected Member of this body. The gentleman from Michigan just made reference to the postal bonuses that were given not too long ago. I recently spoke out on the floor of the House against these ridiculous and excessive bonuses that were given to some 1,200 high-ranking Postal Service executives. I think 97 percent of the executives who were eligible for these bonuses received them. They totaled over $20 million.

Mr. Speaker, these bonuses were given between 1988 and 1990, a 3-year period during which the Postal Service lost more than $1.4 billion. Certainly we would never have seen anything like that happen in the private sector. No company would be giving bonuses totaling over $20 million during a time when that company lost more than $1.4 billion. In Chicago, for example, 62 executives received over $502,298 in bonuses while their division was losing $142 million and at the same time a survey showed 66 percent of their customers were unhappy and dissatisfied with their services.

Certainly we are all receiving, all Members of Congress are receiving many complaints about the Postal Service at this time in this country. Yet when people come to see me to complain about this, I have to explain to them that unfortunately the Congress can do almost nothing about the Postal Service today because the politics was taken, or supposedly taken, out of the system in the early 1970's. There is really no effective political control over the Postal Service today.

Actually, many postal employees have told me that the internal politics today is worse than the external politics ever used to be. Many rank-and-file postal employees were extremely upset over these postal bonuses that were given, and so many of them were totally left out of the process or left out of the picture in that regard.

As I said, the politics supposedly has been taken out. As a practical matter, it has. For some reason we in this body, all politicians, act embarrassed or ashamed of the fact that we are politicians. But if the people are ever going to have any real say-so or control of their government, it has to be through politics.

I think we have been sold a bill of goods in this country by certain upper

crust liberal elitists when they tell us, they are always saying take the politics out of this or take the politics out of that. They seem to think that the people just do not have enough sense or enough intelligence to make good decisions, so they want to take any real say-so or any real control that the people have over their own government away from them.

□ 1730

If we are ever going to get good service, I think, from some of these high level postal people again, we are going to have to reestablish some type of effective political control. The high levels of the Postal Service are probably the most unresponsive members of this entire Government. I cannot think of any governmental agency that is less responsive to Members of Congress than the high level of the Postal Service are today.

Mr. Speaker, this is not any complaint about the rank and file postal employee, because they are certainly not at fault here, but the high levels of the Postal Service have just failed to respond to the people of this country, and I think it is time that we stand up and say, "Some changes have got to be made, some improvements have got to be made, and the people have got to take control of the Postal Service once again."

Mr. Speaker, I thank the gentleman from Michigan [Mr. BROOMFIELD] for yielding to me.

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman from Tennessee [Mr. DUNCAN] for his contribution. I could not agree with him more. That is the whole purpose of this resolution, to create this kind of commission that will have everybody put their suggestions down and see if they cannot improve the Postal Service. But I do thank the gentleman very much for his contribution.

THE BILL WILL BE PAID

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, my State of Maryland has been rocked by the draconian cuts in the State budget announced by Gov. William Donald Schaefer. We are not alone in our plight. Florida has announced a $700 million cut and D.C. Mayor Sharon Pratt Dixon, is beginning layoffs—even though the Congress allocated larger funding to the District of Columbia this year.

As of July 1, 21 States were facing a shortfall of $35 billion and New York City laid off 9,000 employees in the same month.

Cuts at State levels, in every instance, will be followed by cuts in county budgets—then impacting cities and town payrolls. In one way or the other, every citizen will feel the impact of what is happening in the State capitols.

And the State capitols are feeling the impact of what has happened to the national economy.

Ever since I came to the Congress—back in 1985—I have spoken about the potential devastating effect of the free trade philosophy on American manufacturing—on American jobs. I have fought to protect certain segments of the economy against foreign onslaughts of cheap goods recognizing as we all must, that foreign workers do not pay taxes into the U.S. Treasury. That a foreign product, no matter how cheap it is—no matter how well it is made—is a luxury because it is putting Americans out of work.

A headline from the Sun papers last week reports that "Md. Welfare Rolls" are "At 10-year High." The message is that you will pay for a decent standard of living. If you don't pay the price for American-produced goods, you will pay through your taxes to take care of those who cannot find jobs and so need welfare and unemployment insurance.

A story in the Evening Sun of October 1 summarizes the points I have been trying to make over these many years—the headline reads "Changes in economy led to State's financial woes, Deficit forces more cuts in State budget.."

The reporter, Marina Sarris, states the causes as being:

> Shifting employment trends, a tax system that does not address some economic changes and a nationwide economic recession all played a role in the continuing saga of the State's budget deficit.

In the latter half of the article she states:

> The economy shifted away from manufacturing and toward the service industry during the last two decades, according to administration and legislative financial analysts.
>
> Goods producing and service jobs each made up about half of total employment in 1969. Twenty years later, however, service jobs outstripped non-service jobs, 64 percent to 36 percent.
>
> The service category includes everything from lawyers to hamburger flippers in fast-food franchises.

"Many service workers earn less than manufacturing or factory workers, for example, leading to less growth in State revenues from income taxes," said Frederick Puddester, deputy secretary of budget and fiscal planning for the State.

The story goes on to make the point that the shift into the service sector—besides slowing income tax growth—also retards the growth in sales taxes, since the State taxes merchandise, but not services. "Sales and income taxes make up almost 80 percent of the general fund revenues."

Now, will all of those economists who have pushed and driven our economy away from manufacturing and toward services stand up? I, and many other Americans would like to present them with a tax bill that they owe us all.

But, more practically, I'll accept an admission that they were wrong. If they will begin to rebuild this country with an economy which rewards long-term investment and tax policies which encourage savings, I'll forgive them.

We can recover the mischief they have created if we have a commitment to protect our new, struggling industries to the same degree that our major trading partners protect theirs—no more, no less.

We can speak nicely of them if they will help us fashion policies which favor the rebuilding of this Nation with the concern we are showing to Russia's problems.

Mr. Speaker, nobody likes to be right more than I do. But, in this case—in the case of what has happened to our industries and our workers—our States and our cities—I am sorry to have been so right.

I was never trained in economics—only basic math. I was raised to work and make a salary—to save and pay taxes. It takes no college degree to know that when one pays taxes where one works, goods are bought with what is left over. Japanese workers, Mexican workers are no different from you and me.

We need to bring the jobs back home. The bill for having shipped them off-shore has become too high for us to pay!

Now let's talk about some of those off-shore activities that are so devastating to our economy.

JAPAN FLEXES ITS MUSCLES

Mr. Speaker, after reports of our dependency on the Japanese for computer chips to run United States weaponry in the Persian Gulf action, stories in the business press this week make it very clear that we are equally dependent upon the Japanese—and other foreign sources—for the more advanced screens for our computer manufacture.

In a shockingly protectionist action on the part of the Commerce Department and the International Trade Commission [ITC], a 63 percent tariff was levied on screens used largely in the laptop and notebook computers—the fastest growing sector of the market.

Japanese firms are reported to be retaliating, threatening to stop shipments or to move their United States-based manufacturing plants back off-shore. Toshiba is very straight forward in their threat: "If the tariff is removed, we will produce again in the United States."

ITC and Commerce are upholding U.S. law albeit, selectively. To many observers, a stronger dumping case can be made and should be made in the matter of auto parts coming in from Japan, but the Commerce Department has been loath to pursue the law on this one. It would be a very clear cut

case, as I understand it—no United States auto parts are allowed to be sold in Japan and our trade deficit on auto parts with the Japanese continues to grow.

However, in the display screens decision—the Japanese will win either way. It is strange how very narrowly the duties decision is being played by Commerce and the ITC. If a screen is imported—separately from a computer—it is so threatening to our industry that a 63-percent duty will apply. On the other hand, if it is imported with the machine attached, the duty drops to 3.9 percent regular duty for the machine.

Now, it seems to me—if reason ever applies in Washington—a screen is a screen is a screen and sales are lost to our struggling industry whether the screen is separate or attached. And furthermore, if all the manufacturing moves offshore so that the marriage of screen and machine takes place beyond the reaches of the tariff—then heads we lose, tails we lose. Few offshore manufacturers will come shopping for our U.S. screen production and we will have lost both computer manufacturers and screen manufacturers.

Normally, I would be delighted that an American industry was receiving protection from dumping actions of a foreign country—but in this instance, narrow, mindless protection seems to be worse than none at all and as in every recent instance dealing with trade matters—we come away poorer for the experience. One must wonder if the decision was a deliberate effort to buy off some protectionists?

As to the Japanese threats—I think it is nothing but muscle flexing. They are going to win either way it goes.

TIME WARNER SOON IN JAPANESE HANDS

When I read the story in today's New York Times that Toshiba and C Itoh were investing $1 billion in Time Warner, I was angry. These are the two companies who a decade ago, sold our sensitive technology to the Soviets which will result in costing the American taxpayer $100 billion to develop and produce new technology to protect our submarines.

Now Toshiba and C Itoh are infiltrating our telecommunications industry and will have an interest in Time Warner's cable, film and pay television business. Time Warner also owns Time magazine, Sports Illustrated and People and has a worldwide information network which will be very helpful to Japanese business interests.

This sale to the two companies who showed such contempt for American law by selling our technology, now will be in a position to influence our television. It completes the circle of foreign invasion into our communications system which began with the sale of Columbia Pictures to Sony and MCA to Matsuishita.

What all of these sales do is freeze our electronics industry out of the hardware used for the film industry. Now Toshiba and C Itoh also will have a vested interest in one of our most prestigious publications Time magazine.

Will this entrance into the publishing business give the Japanese the ability to influence what is printed by Time Warner? According to media reports from the movie industry the Japanese are telling writers to rewrite their films for a specific cultural cast. If they do that in Hollywood, surely that will happen in the print industry. More importantly, this will give the Japanese a very strong presence in communication and the means to push to buy radio and television stations, which now are barred to foreign ownership. Unfortunately, the FCC commissioner is considering asking that we open up the ownership of radio and television to foreign interests.

This must not be allowed. We are the only country in the world so shortsighted as to sell our cultural industries like printing and movies to foreign interests.

We lost a national treasure when Columbia Records, the oldest recording studio in the world, was taken to Germany and renamed with a Japanese name and a German placed as the president of the company.

We are losing our national treasures and ability to define our own culture—to communicate the American view to the world. How is this happening?

We have what Pat Choate calls agents of influence. In this case the agent of influence is Felix Rohatyn, a partner in Lizard Frieres—the architect of the bail out of New York, which has ultimately failed. I realize that Mr. Rohatyn is held in esteem, but certainly his judgment was not ruling in this, but his pocketbook. Remember Ambassador Bob Strauss made $8 million at lunch in negotiating the MCA sale with Matsutshita. In fact, he represented both sides of the negotiations.

I know the reasons for the Japanese in this Time Warner venture. Toshiba and C Itoh want to stop their biggest competitors Matsushita Electric Industrial Co., which owns MCA and Sony Corp., which owns Columbia. Obviously Mr. Rohatyn is making big bucks and the Japanese are now allowed to play in our telecommunications industry.

Almost 2 years ago I spoke to you about the effect of the Sony purchase of Columbia Pictures in a speech "America's Bedtime Story."

I pointed out that America is literally turning out the lights for our industries if we passively let the studios and HDTV slip through our fingers—and now we are selling a major media industry to these original film sales.

Time Warner with its information network and magazines is too important to the United States and its welfare to be in the hands of the Japanese. How will the stories in Time be written about Japanese trade. We must keep our cultural industries and information systems for America.

We are sounding the death knell for American's to communicate their culture. We are truly a colony without the means to communicate and inform the public about events and policy choices. Paul Revere once warned our citizens about foreign advances when he made that famous midnight ride and cried "the British are coming, the British are coming." Today there can be no Paul Revere to warn "the Japanese are coming" because they are here because of American "agents of influence." The American people should protest this sale.

□ 1750

Mr. HUNTER. Mr. Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding.

I was in my office watching her statements, and I just wanted to come to the floor and tell her how valuable her efforts, her untiring efforts have been for the industrial base of this country and for jobs for literally millions of Americans.

We sat in, in having a discussion today in urging the Defense Department to continue voluntary restraints with respect to machine tool imports, because the machine tool business is so important to this country and to our industrial base and many, many industries which are appended to it.

It was pointed out to us at one point in our discussion with DOD that, for example, if Americans only replaced half of the cars that they purchased today that are foreign cars with American cars, if we had a 30-percent penetration of our market, if we only took 15 percent or one-half of that 30 percent and bought American cars, we would literally pull this country out of the present recession because the auto industry pulls like a big train so many other industries with it.

That same principle is valid with respect to a vast array of American industries and technologies, which the gentlewoman has sought to protect.

I just want to tell her that I know she has done, she has embarked on this vigil for the last many, many months. Her statements have had an effect and the country appreciates it.

I think that listening to the gentlewoman from Maryland, HELEN DELICH BENTLEY is one way to start pushing ourselves out of this recession that we are still in.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from California, DUNCAN HUNTER, who has been also a very strong supporter in this activity. At times when I was fearful of being all alone, the gentleman from California was there to continue to provide background and support.

I think while we are on the matter of automobiles, let us make a point. I think it pays to explain to our people the differences between a car, an American-manufactured car, let us say one by Ford or one by GM or one by Chrysler, versus one that is imported from overseas. This is something that too many people do not stop to think about.

When one is manufactured here and they start with buying the steel in this country, the ore for that steel is carried, is transported either by ship on the Great Lakes, American workers on that ship, or a ship coming down the St. Lawrence River where the ore is unloaded.

Then it goes into a steel mill where it is processed into steel by American workers, and then the steel is taken out and sent to an automobile plant here or to a parts plant, a manufacturing plant here. So that there are American workers who are involved in the making of the body and American workers involved in the making of the components that go into the automobile, the radios and what have you.

Finally, when we get the finished product, we have many, many, many American workers involved in each of those steps.

But when we have a car coming in from overseas, the only employment there is is the car coming into a port. And I represent a seaport and people say, "How can you represent a seaport and talk against imports?"

I will because manufacturing in this country is important until we can get two-way trade.

That car comes in. It is discharged. It goes right to an automobile storage area for a while until they can dump the price, as they have and we know they have. Or it goes right into a dealership, and there is is sold.

But how many American workers are not involved in the production of that car? This is what we were told today by Department Secretary Donald Atwood, the importance of buying one American car out of every two cars that are bought from here on in this country, what it would mean to the economy.

And just think what that would do to, talking about the State economies and how the States are suffering, because taxes are not going in, people are on unemployment. We have been fighting extending the unemployment compensation in this country because people are out of work.

How much we could all help by thinking of buying American goods.

Mr. HUNTER. Mr. Speaker, if the gentlewoman will continue to yield, I thank the gentlewoman for expanding with respect to Buy America. One constituent of mine, a very astute gentleman named Don Cox, from Imperial Valley CA, ran some statistics by me the other day that he developed. He is well-educated and has spent a lot of time working on and analyzing the trade industry, the trade business.

He said this:

> A multiplier for automobile purchases is really about five. That means because of all of the attendant industries and because the workers are buying groceries and renting apartments and houses and things like that, when you buy a $20,000 car made in America, you are really spending the gross national product $20,000 times 5 or $100,000.

Similarly, if one buys a car made in Korea or Japan or Germany or some other place, one is expanding their gross national product, less of course the sales costs in America, by $100,000.

He said:

> Now consider this. We tax our industrial base at a rate of about 20 percent of the GNP. Taxes in this country are roughly 20 percent of the gross national product. So if the gross national product that is produced by a $20,000 car purchase is $100,000 and you tax that $100,000 at a 20-percent rate, that means that when you buy a car made in America, you are creating $100,000 in gross national product for your country, for your neighbor to have a job and your son and your daughter, but you are also creating $20,000 in revenues for the Treasury, which reduces the deficit.

□ 1800

So what we are talking about when cars are called a big-ticket item, that really is an understatement. Cars are major, major battles in the economic competition that we engage in with other countries, and the loss of the automobile industry and the erosion of the automobile industry, and I say this as a guy from San Diego with no autoworkers in my district, and with literally a torrent of foreign products flooding our shores, the loss of the automobile industry, should it occur, and it is occuring right now, certainly deterioration is taking place, will have a devastating effect across the board on the American economy. And I think we should, in the economic pages we are putting onto the floor, and the gentlewoman from Connecticut, NANCY JOHNSON, spoke about this today, as did the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. And the gentleman from Illinois [Mr. HYDE].

Mr. HUNTER. That is correct, HENRY HYDE. We should try to insert some type of provision in any economic growth package that will have a salutary effect on the automobile industry and the people, the great American people who work in that industry.

Mrs. BENTLEY. The gentleman was talking about the tax portion of the GNP. Taking taxes in another way, the Congressional Research Service tells us that out of every dollar spent in this country, 38 cents to 42 cents of that goes into some form of taxes, unemployment, Social Security, income tax, all the taxes that go to State, local, and Federal treasuries. So this is one of the reasons again that we are losing, our economy is suffering, because so much of our economy has been moving offshore so that they can come back.

The thing that really blows my mind is the purchase of Time Warner, and Sony, and Columbia Pictures and all of these other companies in this country by foreign interests, which is with our own dollars, our own dollars. We are losing our treasures ourselves because we are so shortsighted, and I do hope that we turn this around.

EXPRESSION OF SYMPATHY AT THE DEATH OF LILY SOTO

Mr. HUNTER. If the gentlewoman will yield for 1 more second for something that is completely unrelated and is rather a personal statement, I would appreciate it because she is such a good friend of mine and we impose on each other all of the time.

My wonderful office manager, Lily Soto, who was my office manager when I was a pup attorney practicing law in the barrio, a little bitty storefront in the 1970's, and has been with me ever since in my congressional career, passed away today from a heart attack.

Mrs. BENTLEY. I am sorry to hear that.

Mr. HUNTER. Lily was a wonderful person who had 13 children and was intensely dedicated to this country, and provided not only a great service for the people of the 45th Congressional District, but also a wonderful friendship and a kinship. She considered me, I guess, as a son, and I, her almost as a mother during our long friendship and relationship.

She had sudden heart attack, and her family is taking it rather difficultly. But she was a wonderful, wonderful person, and I wanted to take the floor just to say that this Congress, which has done a lot of good things in the last 10 years or so, is well served by many hundreds of thousands of very fine, capable staff people. And Lily Soto was one of those people who represented the very, very best.

Mrs. BENTLEY. They certainly are, and I am sorry to hear that. Please express all of our sympathy to the family.

JULY 1991 SOUTH PACIFIC FORUM CONFERENCE

The SPEAKER pro tempore (Mr. SARPALIUS). Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to take this opportunity to present a commentary on the results of the most recent meeting of the 15 island nations of the South Pacific Forum.

Mr. Speaker, the South Pacific Forum was established in 1971, and is a regional organization comprised of the several island nations that make up Oceania. It evolved out of the desire of the leaders of the independent nations

of the Pacific to be able to discuss common problems, and the recognition that a concerted regional approach would give the small and relatively isolated island countries of the region a better chance to resolve mutual needs.

Mr. Speaker, the countries represented at the first forum in 1971, were the Cook Islands, Republic of Fiji, Kingdom of Tonga, Independent State of Western Samoa, Australia, and New Zealand. These have since been joined by Niue, Papua New Guinea, Kiribati, Solomon Islands, Tuvalu, Vanuatu, the Federated States of Micronesia, and the Republic of the Marshall Islands.

The South Pacific Forum has been involved in the establishment and administration of a wide range of regional agreements, organizations and agencies operating in the region through the Forum Institutional Network [FIN]. Part of this network includes the Forum Fisheries Agency, the South Pacific Commission and other organizations which deliberate the welfare of the region.

One of the major accomplishments of the Forum Fisheries Agency [FFA] was the successful negotiations of the United States and the FFA Pacific Tuna Treaty. This provides for the payment of an access fee by the American tuna vessels for the right to catch tuna within the exclusive economic zones of these island countries.

This year's South Pacific Forum Conference was held in Palikir, Pohnpei, and the Federated States of Micronesia during the last week of July, and was attended by leaders of the governments of the Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Papua New Guinea, Tuvalu and Western Samoa, Australia, Tonga, Solomon Islands, and the Marshall Islands.

Among the important issues discussed at this meeting were economic development and trade prospects for the region; the environment; regional security; developments in New Caledonia; and the region's approach to global issues The group also issued a communique on the continued detonation of nuclear devices by the French Government in the Island of Mururoa.

Mr. Speaker, I would like to address this issue first:

The island nations of the Pacific are concerned that these French nuclear tests will spread radioactive contamination, especially on the marine environment of the region. The last mushroom clouds soared over the Pacific nearly 40 years ago—spreading destruction over atolls and caused serious physical harm to several hundred Micronesians who live in the Marshall Islands.

Mr. Speaker, the residents of our region in the south Pacific have protested this continued testing in the Pacific in every international forum, but to no avail. The French have insisted that its nuclear testing at Mururoa is safe and poses no risk to the environment, but the members of the forum are not buying this argument.

A report prepared by the Nauru Government and presented to the summit said nuclear leakage from the test sites could occur as early as within the next 6 years. It said a mission by French underwater explorer Jacques Cousteau to Mururoa "found spectacular cracks and fissures * * * and some subsidence and submarine slides."

The report said:

> If the cracks seen at relatively shallow depths by Cousteau should penetrate the basalt substructure under the atoll and reach the test chambers, they could constitute a fast pathway for radioactivity into the atoll's immediate environment.

It said there were grave doubts that radioactive materials would be safely contained if French nuclear testing continued. U.S. scientist Norman Buske found high levels of caesium in the lagoon of Mururoa atoll he said could only have come from underground nuclear explosions. "The time required for radioactive leakage to reach the open environment is probably less than 6 years," Buske said.

The French Commisariat a L'Energie [CEA] has claimed that no radioactive leakage for hundreds of years would take place at Mururoa atoll and only small amounts of radioactive water would reach the surrounding ocean. Forum nations were irked that Paris took the omission of any condemnation of French nuclear testing in their communique issued last year in Vila, Vanuatu, as acquiescence to the program.

France had tried to placate critics of its nuclear program by emphasizing the benefits to Pacific nations and stressing the safety of the nuclear blasts rather than taking steps to terminate testing in the Pacific, the Nauru report stated. "The forum reiterated its firm and unceasing opposition to nuclear testing in the region," the communique issued at this year's conference declared. "In this regard the forum agreed to give consideration to an expanded program of opposition to France's nuclear testing in the region," the communique added, without specifying what action forum countries might take. French representatives here refused to comment on the forum's condemnation of the nuclear tests and a foreign ministry spokesman in Paris said it would not change France's position. While the number of nuclear tests over the past year has declined, their combined yield remains high, officials said. One test on May 29 at Fangataufa reached about 100 kilotons and was one of the largest undergound tests ever undertaken at France's Pacific test site, they added.

Paris completed its 1991 test series with a 35 kiloton underground explosion on July 15, about 2 weeks before the forum opened its summit meeting on Pohnpei.

One forum official said tempers were rising and patience running thin on the issue. "We can't just keep swapping position papers," he said.

Mr. Speaker, how much longer must our President and the administration going to remain silent on the serious matter?

Mr. Speaker, it is my intention to introduce a resolution to express strong concern on the harm that these underwater nuclear tests affect on the marine environment. The concern for the marine environment is not just an issue restricted to the Pacific—it is a global issue now that is just as important to countries in the Atlantic, the Mediterranean.

So I call upon the good people of France to plead with their leaders to stop this insane practice of conducting underwater nuclear detonations. And I repeat, underwater. It is not underground and safely above as in Nevada. Why do not we invite the French to conduct their nuclear tests in Nevada?

France has tried to placate critics in the forum by stressing the safety of the nuclear explosions rather than taking steps to terminate testing in the Pacific. Mr. Speaker, if it's so safe, why doesn't the French Government conduct its tests in the territorial waters of France? I'll tell you why, there is not one citizen of France who wants to risk the danger of radioactivity as a result of nuclear detonations in his backyard.

Another major topic discussed at this forum meeting was economic development and trade prospects for the region. The forum confirmed that Prime Minister Geoffrey Henry of the Cook Islands continue his discussions with U.S. authorities regarding funding and the structure of the proposed joint commercial commission [JCC] between forum island countries and the United States to be initially located at the East-West Center in Hawaii.

President Bush in a summit meeting with several island leaders in Hawaii last year in October, announced several initiatives. First, he proposed the establishment of a joint commercial commission with the islands, to meet each year—at senior Government levels—to identify and address commercial opportunities and trade concerns.

Second, he announced that the Overseas Private Investment Corporation [OPIC] would establish two new funds, an Asian-Pacific growth fund and an environmental investment fund to respectively assist private sector and natural resource development. In addition, OPIC will lead a 1991 mission of American investors to Pacific island countries.

OPIC reports that they have placed an Asia-Pacific growth fund on the market and are expecting a great amount of interest in this investment fund. An investment mission also visited the South Pacific during the mid-

dle part of September and I am looking forward to a report of their findings.

Mr. Speaker, I applaud the President for finally taking a serious look at a region that the United States has ignored since the end of World War II. While other countries such as Japan, China, the Soviet Union, and Europe, Clamor to make friends with a region whose oceans hold approximately 25 percent of the world's resources, the United States has continued to practice its policy of benign neglect in this region.

Mr. Speaker, the world's population is expected to grow by about 1 billion within the next 10 years. This growth will surely place a large burden on the world's food resources—and I am afraid that our present neglect will not gain us friends in an area which, because of its resources, will become one of the most strategic areas in the world. It's like that ad on TV on oil filters—"Pay me a little now, or pay me a lot later."

Mr. Speaker, the South Pacific Forum also addressed the issue of drift net fishing in the South Pacific. The forum reaffirmed its commitment to the Tarawa Declaration which committed members of the forum to the cessation of drift net fishing within their waters and to actively contribute to international efforts to prohibit the practice.

Mr. Speaker, drift net fishing is probably the most demeaning and devastating method of fishing invented by these contries. These nets stretch for 30 miles out, and are suspended by as much as 50 feet in depth. Because the line is nylon—it is invisible, and as it floats on the water, it will catch anything in sight. In other words, a drift net does not ask if you are a bird, a turtle, a whale, a swordfish, or even tuna—it kills anything it carries.

Mr. Speaker, sometimes these nets get lost. And you know what happens? The drift net continues to fish. With 800 fishing vessels using drift nets—Mr. Speaker, you're talking about 24,000 miles of ocean that gets fished every day in the worst way.

Drift net fishing by Japan, Korea, Taiwan, and other countries has, in some instances, decimated tuna stocks that we in the Pacific have cultivated for hundreds of years. Two years ago I introduced legislation which was unanimously passed by the Congress to stop this insance method of fishing. The United Nations also passed a resolution which mandated the complete cessation of drift net fishing in the South Pacific.

I am happy to report that most, if not all, the countries involved in drift net fishing have agreed to comply with the United Nations resolution—I just hope we are not too late.

I would personally like to commend outgoing Secretary General, the Honorable Henry Naisali, who in his 6 years in office presided over the development of the forum Secretariat which he molded into a highly professional body. I would also like to welcome the new Secretary General, Ieremia Tabai, former President of Kiribati, who brings with him a vast knowledge and understanding of the Pacific region. But mostly I would like to commend all the leaders of the Pacific Forum for the dedication they have shown in the affairs of the region and for preparing all of its residents to meet the challenges of the 21st century.

□ 1810

Mr. Speaker, I am including in the RECORD a copy of the forum communique of the 22d South Pacific Forum, as follows:

TWENTY-SECOND SOUTH PACIFIC FORUM

FORUM COMMUNIQUE

The Twenty-Second South Pacific Forum was held in Palikir, Pohnpei, Federated States of Micronesia from 29 to 30 July 1991, and was attended by Heads of Government of the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Papua New Guinea, Tuvalu and Western Samoa. Australia was represented by its Minister for Foreign Affairs and Trade, the Republic of the Marshall Islands by its Minister for Health, Solomon Islands by its Minister for Foreign Affairs, Tonga by its Minister for Foreign Affairs and Defence and Vanuatu by its Deputy Prime Minister.

2. The Forum discussed the following key issues:

Economic development and trade prospects for the region;

Environmental matters including the UN Conference on Environment and Development;

The importance of ongoing discussions on regional security;

Developments in New Caledonia; and

The region's approach to global issues.

ECONOMIC DEVELOPMENT

3. The Forum expressed concern at the continuing difficult economic situation facing many member governments. It endorsed the view that while many issues, such a programmes of economic structural adjustment, needed action at the national level, there was also a key role of regional action. The Forum noted that while the delivery of substantial aid flows remained of critical importance to Forum Island Countries, there was a need for greater emphasis to be given to issues involving the private sector including trade and investment.

4. The Forum recognised the importance of continuing high level economic discussions between Forum Island Countries and the region's major development partners. It was pleased to note the firm resolve shown by all those interested in South Pacific development to foster greater levels of cooperation, coordination and policy dialogue. In this regard a number of important issues were identified for further development of policies and programmes. These included the role of the private sector, recurrent costs issues of aid delivery, progress in the development of strategic planning and policy formulation capacities, human resources development including higher education and training and refinement of aid consultative mechanisms. It was fundamental that all agencies involved in these activities in the region continued to work closely together, coordinating their efforts to the greatest extent possible. The Forum particularly emphasized the role of the South Pacific Organisations Coordinating Committee in this regard.

5. The Forum was particularly concerned about duplication of activities between regional programmes and organisations. It therefore welcomed the proposal that the Forum Secretariat work with other regional organisations and donors to develop a statement of priority programme needs for the region that could be met through collaborative regional assistance programmes, complementing national activities.

6. The Forum agreed that the region should continue to promote links with the rest of the world including non-Forum territories in the Pacific and that links should continue to be strengthened with groupings such as APEC and PECC and that the relationship between the Secretariat and the ASEAN Secretariat continue to be fostered. The Forum joined others in the international community in urging all participants in the Uruguay Round to commit themselves to a comprehensive and successful end to the negotiations this year and underlined the importance of fair trading systems to Forum member countries.

7. The Forum also confirmed that the Prime Minister of the Cook Islands continue his discussions with the United States authorities regarding funding and the structure of the proposed Joint Commercial Commission (JCC) between Forum Island Countries and the United States to be initially located at the East West Center in Hawaii. It also accepted that the JCC would be initially composed of the United States and the thirteen Forum Island Countries as proposed by the United States but wished the opportunity to remain for other Pacific Island Governments to become members of the Commission in future. Forum members agreed that upon the establishment of the JCC, Mr Jioji Kotobalavu would be appointed as their Executive Secretary.

ENERGY

8. Given the importance of the energy sector, the Forum welcomed the offer of Fiji to host a meeting of Forum Energy Ministers on 29–30 August 1991 to consider oil pricing policies as they affected economic development in Forum Island Countries. If further endorsed the need for the Secretariat to continue to monitor and analyse international oil prices and the cost structure of oil companies in reaching the prices of oil products charged in Forum Island Countries.

CONSUMER PROTECTION

9. The Forum supported efforts to develop a more regional approach to consumer protection matters. In this context it welcomed the holding of a further regional Seminar on Consumer Protection in Western Samoa later this year. All member governments undertook to examine closely the United Nations Guidelines on Consumer Protection.

SMALLER ISLAND STATES

10. The Forum recognized the special development requirements of the Smaller Island States of the Forum and recommended that the international donor community take these into account when providing assistance to those Forum members. The Forum welcomed the offer by the Cook Islands Government to host a meeting in November 1991 of Heads of Government of the Smaller Island States together with senior officials and private sector representatives to consider the longer term strategies for the development of the Smaller Island States. The Forum Secretariat would facilitate this meeting drawing on funding to be made available by

Australia under a new programme to foster the development of the private sector in the South Pacific.

ENVIRONMENT

11. The Forum reaffirmed the fundamental importance to the region of environmental issues and acknowledged the critical linkages between the protection and conservation of the environment and sustainable economic development. It stressed the need to articulate Pacific interests clearly and comprehensively in the negotiation of international conventions on climate change and biodiversity as well as in other environmental forums. The Forum also reaffirmed the obligation of all countries to cooperate to conserve and protect the environment and to promote appropriate and sustainable development policies in order that the well-being of future generations could be assured.

12. It welcomed progress on decisions made the previous year on the need for strong institutional arrangements to address these concerns with the marked strengthening of the South Pacific Regional Environment Programme (SPREP) into a fully autonomous regional organisation and the decision to establish SPREP's Headquarters in Western Samoa.

13. The Forum welcomed the entry into force of the Convention for the Protection of Natural Resources and Environment of the South Pacific Region (SPREP Convention) and its associated Protocols concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region and the Prevention of Pollution of the South Pacific Region by Dumping. It also welcomed the entry into force of the Convention on the Conservation of Nature in the South Pacific (Apia Convention).

14. The June 1992 United Nations Conference on Environment and Development (UNCED) would be of critical importance to the future of the region. The importance of the regional preparation for UNCED and its preparatory meetings was firmly underlined by the Forum. The Forum expressed its full support for the Ministerial Declaration on Environment Development issued by Ministers and representatives at the 8-9 July SPREP Intergovernmental Meeting. The Forum also noted the South Pacific regional statement to be presented at the third meeting of the UNCED Preparatory Committee in August 1991. It agreed that the Forum's support for the Declaration be conveyed to all relevant international bodies with the aim of ensuring that full account was taken of South Pacific concerns. For the peoples of the Pacific, the sea was a most important part of their environment and in this regard the Forum urged those member states who had yet to ratify the Law of the Sea Convention to do so.

15. The Forum agreed that its members be collectively represented, at ministerial level where possible, with coordination and support from SPREP, at the Preparatory Committees leading up to the Conference as these will take many of the key decisions. The third and fourth Preparatory Committees were of particular importance in this regard. At the UNCED Conference itself, participation at the highest possible political level would be desirable to focus attention on the region's interest. Given the complexity and size of the UNCED process the Forum considered that issues could be usefully engaged in concert with other like-minded countries, especially members of the Alliance of Small Island States (AOSIS). Consideration should be given to a coordinated strategy whereby Forum representatives might "specialize" as spokesperson for the region on specific issues. Support from SPREP would be vital. The Forum urged international support to facilitate the effective participation of the Forum Island Countries at the Preparatory Committees and the UNCED itself.

Climate change and sea level rise

16. Global warming and sea level rise were the most serious environmental threats to the Pacific region. The cultural, economic and physical survival of Pacific nations was at great risk.

17. The Forum confirmed the importance for all members of the international community to develop a Framework Convention on Climate Change. In this regard it applauded the efforts of AOSIS. It stressed the urgency of securing international action through the timely conclusion of a strong and substantive global convention with commitments to control the adverse effects of climate change by, inter alia, significant and immediate reductions in emissions of industrially generated greenhouse gases, in particular carbon dioxide. The Forum noted the primary responsibility of industrial countries for reducing these emissions. The Forum noted that the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change (INC/FCCC) had acknowledged the need to accommodate the special interests and needs of Small Island States. It stressed the need to identify those needs and interests clearly and comprehensively, and to communicate them to the INC prior to its third negotiating session in September 1991. It recognised the importance of SPREP playing a central technical and coordinating role.

18. The Forum recognised that progress towards the stabilisation of greenhouse gas emissions was directly linked to commitments to achieve greater energy efficiency and to develop appropriate alternative energy sources and technologies. It called upon all countries, but particularly developed countries, to give high priority to continuing research, development and transfer of technologies in these areas. The Forum agreed to communicate these concerns to the INC and to all other relevant international bodies.

Nuclear testing

19. The Forum remained concerned that despite long standing opposition by the Forum, France continued to carry out nuclear testing in the region. It noted that this was despite France's welcome decision to become a party to the Non-Proliferation Treaty and its signature and ratification of the SPREP Convention and its Protocols. The Forum expressed its deep dismay that the French Government had formally stated that its nuclear testing programme in the South Pacific would not be affected by the decision to join the Nuclear Non-Proliferation Treaty. The Forum reiterated its firm and unceasing opposition to nuclear testing in the region. In this regard the Forum agreed to give consideration to an expanded programme of opposition to France's nuclear testing in the region. It suggested that SPREP play a central role in monitoring and evaluating the environmental impact of nuclear testing in the region.

Dumping of toxic and hazardous waste

20. Concern was expressed about the potential for the region to become a dumping ground for toxic and hazardous waste and chemicals and radioactive materials. In this regard, the Forum commended the London Dumping Convention (LDC) for its recent progressive stance on ocean dumping, and in particular for its 1990 decision to phase out industrial waste dumping at sea. The Forum expressed support for Forum Island Country members who were seeking to codify these advances by amendment of the LDC. The Forum noted its desire to culminate this procedure at the Fifteenth Consultative Meeting of the LDC in 1992 coincident with the UNCED Conference.

Drift net fishing

21. The Forum reaffirmed its commitment to the Tarawa Declaration which, inter alia, committed members of the Forum to the cessation of driftnet fishing within their waters and to actively contribute to international efforts to prohibit the practice. In this regard the Forum welcomed the entry into force on 17 May 1991 of the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific and reaffirmed its call for all eligible countries to accede to the Convention and its Protocols, as appropriate.

22. The Forum also reiterated that Resolutions 44/225 and 45/197, in which the United Nations mandated the complete cessation of driftnet fishing in the South Pacific region by 1 July 1991 and the imposition of moratoria in all regions of the world on all large scale driftnet fishing on the high seas by 30 June 1992, should be fully implemented. The Forum called for continued vigilance and cooperation by Forum members and other like-minded states during consideration of this issue at the United Nations General Assembly and noted that in compliance with Resolutions 45/197, Forum members in consultation with the Forum Fisheries Agency would be submitting a report on the impact of driftnet fishing to the Secretary General.

Biodiversity

23. The Forum noted that the Pacific region was one of the world's centres of biological diversity. The many thousands of islands had a rich complex of terrestrial and marine ecosystems. The maintenance of the region's biological diversity was critically important to ecologically sustainable development throughout the region and the world. The Forum recognized the fundamental importance of their biological resources to the people of the Pacific region and endorsed the development of agricultural, forestry, mining and fishing practices which encouraged the maintenance of Pacific biological diversity.

JACADS

24. The Forum considered the Report of the Ministerial Mission on JACADS. Subsequently the United States had, at the request of Solomon Islands Government, removed World War II chemical munitions to Johnston Atoll. The Forum again recorded Pacific opposition to JACADS and reaffirmed the fundamental importance of advice and consent of Pacific governments in any future actions by any state that could impact upon the health and well-being of Pacific people. A Forum scientific mission to monitor the progress and safety of JACADS would be undertaken in the near future and would report its findings to all member governments.

25. The Forum welcomed and accepted as binding US assurances that it would cease the operation of JACADS and dismantle the facility following the destruction of chemical weapons now on Johnston Atoll (and any further stocks discovered in the Forum region). The Forum expressed its appreciation of US efforts to keep Forum Governments informed on the operations of the JACADS facility and looked forward to continuing dia-

logue with the US on this matter. The Forum urged the US to bring Johnston Atoll under the SPREP Convention regime.

REGIONAL SECURITY

26. The Forum stressed that, in a rapidly changing global political and economic scene, exchange of information and dialogue amongst member governments was increasingly important. It also concluded that there was further scope for effective regional cooperation in the law enforcement field. Recent work had revealed that this was a complex area and that individual countries had different priorities. The Forum Regional Security Committee was directed to consider priorities and resource needs when Forum Governments had completed national assessments.

27. The Forum expressed its continuing concern over the grave social consequences of drug abuse and the illegal traffic in narcotic drugs. Forum Governments renewed their commitment to cooperate in combating drug abuse and drug trafficking. In this connection it expressed support for proposals to increase the resources available to regional organizations combating drug abuse and drug trafficking. It also expressed support for various proposals to help develop the capacity of small island countries to successfully address law enforcement problems associated with drug abuse, drug trafficking and other related issues.

DECOLONIZATION

28. The Forum once again reaffirmed the importance of the universal realisation of the right of peoples to self-determination in accordance with the Charter of the United Nations, and the principles and practices of the United Nations pertaining thereto. In this connection, the Forum noted that the United Nations had now embarked on the International Decade for the Eradication of Colonialism and renewed its request that the Secretary-General of the United Nations, or a specially designated representative of the Secretary-General, visit each of the territories which remained on the United Nations list of non self-governing territories. The Forum also renewed its proposal that an extensive study of the remaining non self-governing territories be undertaken by the United Nations and the results widely distributed, and that countries be requested to consider adopting national legislation to promote and safeguard the human rights of peoples living under colonialism.

Western Sahara

29. The Forum expressed satisfaction with the recent progress made toward achieving a just and lasting solution to the question of Western Sahara. In this connection Forum Governments congratulated the POLISARIO Front and the Kingdom of Morocco on this achievement, and commended the role played by the Organization of African Unity and the United Nations in contributing to a suitable solution consistent with the principles and practices of the United Nations.

New Caledonia

30. The Forum one again drew attention to the close links which existed between the people of New Caledonia, particularly the indigenous Kanaks, and other peoples of the South Pacific, and acknowledged the constructive actions being taken by all involved to facilitate the further development of those links.

31. The Forum noted the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote equitable political, economic and social development in the territory, in order to provide a framework for its peaceful evolution to self-determination.

32. The Forum stressed the great importance of equitable economic and social development, transparency in the preparation of the electoral rolls, and continued dialogue among all the parties involved in New Caledonia in preparation for an act of self-determination, consistent with the principles and practices of the United Nations, in which all options, including independence, were open, and which would safeguard the rights of the indigenous Kanaks and those of all other New Caledonians.

33. Forum Government again expressed the hope that the French authorities, and others, would expand their assistance for education and training opportunities for the Kanak population, in order to enable all New Caledonians to exercise their right of self-determination under the best possible conditions. They reiterated their hope that the French authorities would facilitate regular visits to New Caledonia by visiting missions of the United Nations.

34. The Forum would continue its active and vigilant observation of developments in New Caledonia. It congratulated the Ministerial Committee established by the 21st Forum on its very useful interim report. The Forum directed that the final report be widely distributed, including at the United Nations, and ask the Committee to continue its work. The Forum expressed the hope that the French authorities would continue to facilitate visits to New Caledonia by representatives, including Heads of Government of Forum countries.

35. The Forum's intention was to promote increasing contacts with New Caledonia, including by invitations, on a case-by-case basis as appropriate, to French Pacific territories to participate in Forum advisory committees, seminars and workshops. The Forum also acknowledged the usefulness of cultural events where through invitation to the various ethnic groups in New Caledonia, informal contacts with them could be promoted. Informal contacts with political groups within New Caledonia during the annual Forum meeting should be continued. It expressed the hope that other groups would take advantage of this opportunity.

36. The Forum offered to assist the FLNKS in developing a programme of action for ensuring their objectives were met through the Matignon Accords. It further agreed to the establishment of a fund to assist with the training of Kanaks within and outside the region to be administered by the Secretariat.

South Africa

37. The Forum reviewed the situation in South Africa and noted the positive measures taken over the past year to dismantle institutionalised apartheid. Forum Governments called upon those who currently governed South Africa to take the further steps necessary to accelerate the process of totalling dismantling apartheid, and its various vestiges and effects. The Forum noted with dismay the revelation of South African Government involvement in covert political destabilisation and called upon it to take such steps as were necessary to restore its credibility and set the course of negotiations back on a proper path. The Forum, while accepting the appropriateness of a phased relaxation of sanctions as major progress was made in dismantling apartheid, believed that some form of external discipline should be maintained upon the South African Government until a fully democratic political and social system was achieved.

PRESIDENCY OF THE UNITED NATIONS GENERAL ASSEMBLY

38. The Forum unanimously reaffirmed its endorsement of the candidacy of the Foreign Minister of Papua New Guinea, the Rt Hon Sir Michael Somare, for the position of President of the 46th Session of the United Nations General Assembly. Given the significant changes taking place around the world, it also strongly supported the theme of "Managing Change" proposed by Sir Michael as an important issue to be pursued at the United Nations.

SECURITY OF SMALL STATES

39. The Forum welcomed the liberation of Kuwait from foreign occupation and urged the international community to consider effective peaceful measures to assure the security and territorial integrity of all militarily or economically vulnerable smaller states. In this connection, Forum Governments urged all members of the world community to work together for the effective implementation of all United Nations resolutions on this subject, as well as the progressive development of, and respect for, international law.

FORUM COUNTRY INITIATIVES

40. Heads of Government pledged their support and commended:

Applications of the Republic of the Marshall Islands and the Federated States of Micronesia to join the United Nations as full members. The Forum called upon the Security Council and the General Assembly of the United Nations to welcome unanimously, these applications for membership in the United Nations.

The candidacy of New Zealand for the United Nations Security Council for a two-year term in 1993–94. Members also recalled their pledges of support for Japan's candidacy.

Application of Nauru for membership of the Asian Development Bank.

The proposal for the convening of a Pacific Summit for Children and requested that the Secretary General discuss this proposal with his colleague, the Secretary General of the South Pacific Commission and submit a report to the 23rd South Pacific Forum.

The Forum received the report of the Rarotonga Workshop on the Convention for the Elimination of all forms of Discrimination Against Women.

The 40th Anniversary of the Office of the United Nations High Commissioner for Refugees.

Both South Korea and North Korea in their respective bids for membership of the United Nations.

TOURISM

41. The Forum acknowledged the importance of tourism to the economic development of the region and that linkages with the Forum by the Tourism Council of the South Pacific (TCSP) were important to ensure regional tourism development proposals were coordinated closely with other priorities. The Forum recognized the TCSP as a regional intergovernmental organization and agreed that it should have a reporting relationship with the Forum.

POST FORUM DIALOG

42. The Forum endorsed the value of the Post-Forum Dialog as an important opportunity to exchange views on international and regional issues with the main external powers with interests in the South Pacific. It adopted procedural changes designed to encourage participation in the Dialog at a high level, and to enable the Dialog to address

fully the global and regional policy issues of mutual concern of Forum countries with the Dialog Partners.

43. The Forum decided that there should be no change to existing criteria for Post-Forum Dialog Partners, or to the current list of Partners. It directed the Secretariat to examine the possibility of a separate meeting for exchange of views with representatives of Taiwan/Republic of China.

OBSERVER STATUS AT FORUM MEETINGS

44. The Forum decided that there should be no change to existing criteria for observer status. It noted that the Secretary General was clarifying with the Governments of the Republic of Palau and French Polynesia their interest in observer status at the Forum.

DONOR SUPPORT FOR FORUM PROGRAMMES

45. The Forum welcomed the strong support provided by a wide range of donors to the programmes being implemented by the Forum Secretariat. In particular it recognised the contributions now being made by nonmember countries and organizations as implementing agents for a number of regional programmes such as those funded under the UNDP Fifth Cycle Regional Programme.

REPORTS OF REGIONAL ORGANIZATIONS

46. The Forum received and adopted annual reports of:

(1) Director of the Forum Fisheries Agency.

(2) Director of the Pacific Islands Development Program.

(3) Director of the South Pacific Applied Geoscience Commission.

(4) Vice-Chancellor of the University of the South Pacific.

(5) Secretary General of the Forum Secretariat.

(6) Director of the South Pacific Regional Environment Programme.

APPOINTMENT OF SECRETARY GENERAL

47. The Forum appointed the Hon. Ieremia Tabai, GCMG, of Kiribati as the new Secretary General for the Forum Secretariat.

OUTGOING SECRETARY GENERAL

48. The Forum acclaimed the invaluable contributions and historic achievements of the outgoing Secretary General, the Hon Henry Naisali, who in his six years in office had presided over the development of the Forum Secretariat into the highly professional body it was today. Forum Leaders wished him long life, happiness and success in his future endeavours.

SOPAC

49. The Forum supported the application of Mr. Philipp Muller and strongly supported his appointment as the New Director of SOPAC. It expressed appreciation for the services and contributions of Mr. Philipp Muller, the outgoing Director of the Forum Fisheries Agency and Mr. Jioji Kotobalavu, the outgoing Director of SOPAC.

DATE AND VENUE OF NEXT MEETING

50. The Forum accepted with appreciation the kind offer of Solomon Islands Government to host the 23rd South Pacific Forum and Nauru to host the 24th South Pacific Forum. The Forum agreed that it was desirable that the hosting of the Forum should revert thereafter to the practice of preceeding in alphabetical order, commencing with Australia, subject to the Forum determining that special circumstances (e.g., Papua New Guinea's 20th Anniversary in 1995) warranted a variation.

INTRODUCTION OF THE SMALL BUSINESS ECONOMIC OPPORTUNITY ENHANCEMENT ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. IRELAND] is recognized for 60 minutes.

Mr. IRELAND. Mr. Speaker, today I am introducing the Small Business Economic Opportunity Enhancement Act of 1991. This bill establishes a 5-year demonstration program providing direct loans to very small businesses, or microenterprises.

Even as we meet today, a new world economic order is on the march. With the fall of the Berlin Wall and the dawn of a new political era in the former eastern bloc nations, capitalism is being embraced on new fronts.

Indeed as our own economy moves from recession to recovery we are seeing an increase in business and economic activity.

This increase has been evidenced in all of the traditional sectors of our multifaceted economy: Factory orders are on the rise, inventories are dwindling and unemployment is at worst steady and at best actually declining in some areas of our Nation.

The small business community is also playing its traditional role of business expansion and the creation of new jobs. The Small Business Administration reports that since last year its loan guaranty activity between October 1, 1990, and June 30, 1991, has increased by over 5 percent over the same period last year.

But while we see this and other equally positive economic trends, we must confront an equally negative trend. During the past 10 years of American and global economic expansion there has been an 8-percent increase in the number of persons receiving AFDC benefits.

The number of persons on the welfare rolls has increased from 10.5 million in 1980 to 11.4 million in 1990. The Nation's expenditures for the same period have increased from $13.4 billion to $21.2 billion a 58-percent increase.

Mr. Speaker, these numbers reveal in no uncertain terms that the economic growth of the 1980's and the 1990's has not extended to all segments of our populace.

Some might argue that the welfare system's success is demonstrated by the fact that the amount of money each welfare recipient receives is increasing. I, however, cannot accept that definition of success.

As long as every able-bodied person on welfare is not able to realize his or her full potential as an active, independent and productive member of society, the system is clearly lacking.

I believe that many of the Americans who receive welfare benefits would do better if they could do better. When you look at the system we have created, it's easy to understand why the entrepreneurial instinct that is so basic to all Americans has been snuffed out at this level of our society.

We have done little to unleash the entrepreneurial instinct that could transform an economically dependent member of our society into a productive, economically independent one.

I firmly believe that most of the Americans on the welfare rolls would, if given the opportunity, take advantage of the economic freedoms that so many others enjoy.

My belief has been reinforced in recent weeks by my introduction to one of the most provocative worldwide manifestations of the new economic order that I spoke about earlier. It is called microentrepreneurship, or microenterprises.

In a recent column, William Raspberry wrote that he did not believe that welfare and other governmental antipoverty efforts created poverty.

But, Mr. Raspberry wrote that he did believe that the welfare rules and regulations, originally designed to prevent abuse, made it difficult for the poor to climb out of their poverty.

He cited the example of how a welfare mother with talent and interest in hairdressing might use that talent and interest to start a business were it not for the welfare rules that won't let her save enough money to get started.

It doesn't matter where the savings come from. No matter how she manages to save, under current welfare rules those savings become an asset; an asset that could reduce or eliminate her welfare eligibility.

After giving other examples of the perverse effect of rules designed to prevent abuse, Mr. Raspberry asks the question, and I quote:

> Wouldn't it make sense to change the rules to positively encourage poor people to go into business for themselves?

I believe that it would make sense to do just that—to change the rules so as to foster independence and not dependency.

Indeed, we already have examples of what happens when we change the rules and encourage economic independence. One such example is the women's self employment project in Chicago, IL.

This nonprofit, self-help group runs a microenterprise loan program under the auspices of the Illinois Department of Public Aid.

The group initiated the Independent Business Women's Demonstration Program, which is designed to enable women receiving welfare benefits to experience greater choice and control over their lives by giving them the opportunity to start their own businesses.

The results were very encouraging. As of October 1989, the date of the final program report, 70 percent of the 20 welfare recipients who began the pro-

gram no longer received cash assistance from AFDC. Over 80 percent were completely off welfare or received greatly reduced levels of aid.

The Chicago program is but one example of similar demonstration programs across the Nation: the good faith fund in Arkansas; the mountain micro enterprise fund in North Carolina, and the lakota fund in South Dakota.

All are patterned after the Grameen Bank in Bangladesh, which pioneered uncollateralized small lending to the poor because traditional lenders would not do so.

The efforts of the Grameen Bank have resulted in a 98 percent repayment record. More importantly, it has provided financial independence for literally hundreds of thousands of poor people.

Mr. Speaker, several microloan bills have been introduced in both Houses of Congress. While I applaud the intent of these bills and of their sponsors, my visit with the Chicago program and my research into other similar demonstration programs has convinced me that these bills fall short of what is needed for a successful microloan initiative.

The bill that I introduced today addresses all of the concerns voiced by those who should know best—the people across this country who have been trying to run microloan programs.

Specifically, my bill would make it easier for States to change their welfare rules so that the welfare mother that Mr. Raspberry wrote about can have an equal shot at the American dream.

State waivers will allow welfare recipients to accumulate the small amount of equity needed to start a microenterprise without breaking the rules, or even worse, risking the health hand welfare of her children through a loss of benefits. The waivers also would allow welfare recipients to borrow money.

The benefits that my bill would protect would include aid to families with dependent children, Medicaid, Social Security and unemployment benefits.

Further my bill would amend the job Training Partnership Act so that funds for JTPA, currently restricted to helping a needy American find a job, could be used to train Americans to be business owners

The Community Development Block Grant Program and the Consolidated Farm and Rural Development Acts would also be amended to make microloans eligible activities.

Finally, I would direct the Small Business Administration to insure that half of the programs funded go to rural areas of our country where the need is especially great.

Mr. Speaker, America has traditionally been at the forefront of innovation and new approaches to solving age old problems.

By passing the Small Business Economic Opportunity Enhancement Act, Congress can take a page from the Grameen Bank experience and the experience of such American pioneers as the Women's Self-Employment Program.

We can unleash the entrepreneurial power of a forgotten segment of our society. In doing so, we can foster pride and financial independence in those who lack them most.

The Small Business Economic Opportunity Enhancement Act is an act of hope for all Americans.

CONFERENCE REPORT ON H.R. 2622

Mr. ROYBAL submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. 102-234)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2622) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 16, 29, 37, 41, 42, 45, 70, 76, 86, 90, 103, 104, 107, 114, 116, 124, 125, and 153.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 9, 18, 19, 21, 30, 44, 47, 49, 61, 63, 64, 72, 73, 74, 75, 77, 78, 79, 82, 105, 108, 109, 111, and 117, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$68,238,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$33,325,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$39,645,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$8,309,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$336,040,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$19,000,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *4,109*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *1,127*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$1,266,305,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$189,000,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$105,122,000*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$12,000,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 7, 10, 13, 20, 22, 23, 24, 25, 27, 28, 31, 32, 33, 34, 35, 36, 38, 39, 40, 43, 46, 48, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 62, 65, 66, 67, 68, 69, 71, 80, 81, 83, 84, 87, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 106, 110, 112, 113, 115, 118, 119, 120, 121, 122, 123, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 154, and 155.

EDWARD R. ROYBAL,
STENY H. HOYER,
DAVID E. SKAGGS
(except for amendments No. 43 and No. 155),
NANCY PELOSI,
SIDNEY R. YATES,
JOSEPH D. EARLY,
JAMIE L. WHITTEN
(except for amendment No. 43),
FRANK R. WOLF,

JIM LIGHTFOOT,
HAROLD ROGERS,
JOE MCDADE,
Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
BOB KERREY,
ROBERT C. BYRD,
PETE V. DOMENICI
(except for amendments No. 24 and No. 31),
ALFONSE M. D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2622) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENT OFFICES

SALARIES AND EXPENSES

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for not less than $2,522,000 and 40 full-time equivalent positions for the Office of Foreign Assets Control.

Amendment No. 2: Appropriates $68,238,000 for salaries and expenses instead of $67,500,000 as proposed by the House and $68,975,000 as proposed by the Senate.

UNDER SECRETARY FOR ENFORCEMENT

The conferees believe there is a need within the Department of the Trreasury to give increased prominence to the very important law enforcement activities and responsibilities of its law enforcement bureaus. The Treasury Department has wide ranging law enforcement jurisdictions, from the protection of our nation's borders to the protection of the President of the United States. Its outstanding efforts in the war against drugs, and leadership in attacking money laundering and other financial crimes have brought worldwide respect.

The principal law enforcement position within the Department of the Treasury is currently the Assistant Secretary for Enforcement. The Assistant Secretary represents the Department nationally and internationally in the broadest range of law enforcement matters and in regulatory, tariff and trade enforcement matters. The Assistant Secretary deals with issues which frequently involve the responsibilities of several Assistant Secretary and higher level officials in other executive departments, and frequently represents the United States in international forums. With the war on drugs identified as the nation's number one domestic priority, and financial crimes now recognized internationally as a major problem, and international trade enforcement (including critical trade embargoes and sanctions) playing an increasingly important role in foreign relations, the conferees strongly believe the position of Assistant Secretary for Enforcement should be elevated to Under Secretary of the Treasury for Enforcement. The Department of the Treasury is, therefore, directed to prepare a proposal for establishing the position of Under Secretary of the Treasury for Enforcement, and to prepare a related analysis of any budget and resource implications of such proposal. This proposal shall be submitted to the House and Senate Committees on Appropriations by February 1, 1992. If the Department determines that the proposal should be implemented, it shall submit a reprogramming request to the House and Senate Committees on Appropriations for prior approval.

INTERNATIONAL AFFAIRS

Amendment No. 3: Appropriates $33,325,000 for International Affairs instead of $32,794,000 as proposed by the House and $33,855,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Amendment No. 4: Appropriates $24,835,000 for salaries and expenses as proposed by the Senate instead of $22,710,000 as proposed by the House.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Amendment No. 5: Appropriates $39,645,000 for salaries and expenses instead of $39,245,000 as proposed by the House and $41,245,000 as proposed by the Senate. The conferees have provided $400,000 for increased operational support of the Marana, Arizona satellite facility.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Amendment No. 6: Appropriates $8,309,000 for the Federal Law Enforcement Training Center's Acquisition, Construction, Improvement, and Related Expenses account, instead of $5,359,000 as proposed by the House and $16,534,000 as proposed by the Senate. The conferees have provided an additional $2,950,000 above the budget request for projects at the Artesia, New Mexico, facility, as proposed by the Senate.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$231,500,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $231,500,000 for salaries and expenses instead of $189,195,000 as proposed by the House and $228,968,000 as proposed by the Senate. The Conference agreement includes the requested amount, $1,200,000, to implement the Federal/State Equity Program, as authorized by Public Law 101-453. This will ensure that cash management improvements in the transfer of funds between Federal and State governments stay on track and lead to greater efficiency.

Amendment No. 8: Makes available $10,794,000 until expended for systems modernization initiatives as proposed by the House instead of $10,294,000 as proposed by the Senate.

Amendment No. 9: Deletes language proposed by the House and stricken by the Senate which would have authorized the FMS to be fully and directly reimbursed from the Social Security Trust Funds for the costs it incurs in processing benefit payments.

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty: Provided, That, notwithstanding the provision of 31 U.S.C. Sec. 1342, the Bureau of Alcohol, Tobacco, and Firearms is authorized to accept, receive, hold, and administer gifts of services and personal property for hosting the General Assembly of the International Office of Vine and Wine (OIV) in the United States in 1993. The Bureau of Alcohol, Tobacco, and Firearms is authorized to use otherwise available funds from the appropriations to the Bureau for fiscal years 1992 and 1993, as necessary, to pay the expenses of hosting, including reception, representation, and transportation expenses. The Bureau of Alcohol, Tobacco, and Firearms' authority shall continue until all expenses for the General Assembly meeting have been paid or otherwise satisfied: Provided further, That*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment allows ATF to pay per diem and other expenses to employees when a member of the National Response Team works over 16 hours in the investigation of a bombing or arson incident. It also provides authority for the hosting of the General Assembly of the International Office of Vine and Wine. It is anticipated that the source of the gifts of services, money, and personal property to be utilized for the OIV General Assembly meeting will include members of the wine industry.

Amendment No. 11: Appropriates $336,040,000 for salaries and expenses instead of $316,796,000 as proposed by the House and $341,040,000 as proposed by the Senate.

The conferees have provided total funding of $336,040,000 for the Bureau of Alcohol, Tobacco, and Firearms for fiscal year 1992. Included in this amount is an additional $16,000,000 for the alcohol program; $800,000 for a pilot gang prevention project to be implemented in Phoenix, Arizona; and $2,244,000 for 4 Project Achilles task forces.

The conferees have denied funding for an additional $5,000,000 for the Bureau of Alcohol, Tobacco, and Firearms to implement the initial development of a national gang analysis information center.

Since 1986, the Bureau of Alcohol, Tobacco, and Firearms (ATF) has successfully used the Achilles Task Force approach in combatting violent criminals who use firearms to further their illegal activities in major cities across the United States. Some of these task forces concentrate on gang enforcement; others use their resources to bring criminals to prosecution under criminal statutes which require mandatory sentencing for repeat offenders. Achilles Task Forces are presently operational in sixteen cities located throughout the country. The conferees have included an increase of $2,244,000 for ATF to establish four new task forces in the following cities: Atlanta, Georgia; Portland, Oregon; Charleston, South Carolina; and Milwaukee, Wisconsin.

The conferees request that the Bureau of Alcohol, Tobacco, and Firearms submit a report to the House and Senate Committees on Appropriations by February 1, 1992, which summarizes the success of the Achilles Task Forces to date and justifies, in priority order, other cities in the nation which merit inclusion in this program.

Amendment No. 12: Makes available $19,000,000 solely for the enforcement of the Federal Alcohol Administration Act instead of $15,000,000 as proposed by the House and $22,000,000 as proposed by the Senate.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows funds for improvement of information retrieval system at the National Firearms Tracing Center with certain limitations.

Amendment No. 14: Establishes a minimum level of 4,109 full-time equivalent positions instead of 4,073 as proposed by the House and 4,119 as proposed by the Senate.

Amendment No. 15: Establishes a limitation of no fewer than 1,127 full-time equivalent positions to be allocated for the Armed Career Criminal Apprehension Program instead of 1,037 as proposed by the House and 1,137 as proposed by the Sente.

U.S. CUSTOMS SERVICE

SALARIES AND EXPENSES

Amendment No. 16: Restores language proposed by the House and stricken by the Senate on additional positions for certain U.S. Customs Districts.

CUSTOMS POSITIONS

The conferees are aware of the need to increase Customs staff positions for the following Customs Districts: San Francisco, California; Baltimore, Maryland; and Port Huron, Michigan. The conferees have included an additional $1,000,000 in the salaries and expenses account for 24 additional entry/inspection aides for the San Francisco, California, Customs District and 2 additional inspector positions for the Port Huron, Michigan Customs District. The conferees are also aware of the need for additional positions over and above these levels for the Port Huron, Michigan, and the Baltimore, Maryland, Customs Districts and request the Commissioner to hire, from available funds in fiscal year 1992, additional inspectors for the Port Huon, Michigan, District; and additional agents, inspectors, and support personnel for the Baltimore, Maryland, District.

Amendment No. 17: Appropriates $1,266,305,000 for salaries and expenses instead of $1,226,514,000 as proposed by the House and $1,270,005,000 as proposed by the Senate.

CUSTOMS RENTAL REQUIREMENTS

The conferees are aware that due to an error by the Department of the Treasury and the U.S. Customs Service during the formulation of the fiscal year 1992 budget, sufficient funds for GSA rental payments were not included in the U.S. Customs Service fiscal year 1992 budget request. These proposed rental charges, totalling $23,140,000, are mandatory and must be paid by Customs during the fiscal year. Because of budgetary constraints, the conferees have not provided increased funds to cover these rental costs. The conferees expect the Commissioner of Customs to achieve savings in overhead expenses to accommodate the increased rental requirements in fiscal year 1992. If this cannot be accomplished, the Commissioner is instructed to submit a reprogramming request to the House and Senate Committees on Appropriations for prior approval identifying the areas from which the funds will be taken.

Amendment No. 18: Makes a technical change by inserting the words "the Commissioner" instead of the pronoun "his".

Amendment No. 19: Deletes language proposed by the House and stricken by the Senate which provided that none of the funds made available to the U.S. Customs Service may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program. The conferees direct the Commissioner of Customs not to redirect the Equal Employment Opportunity Program without the advance approval of the House and Senate Committees on Appropriations.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes a minimum level of employment for Customs and certain programs.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

Amendment No. 21: Inserts a new center heading as proposed by the Senate.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the operation and maintenance of marine vessels in the Customs Air and Marine Interdiction Programs.

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which includes marine interdiction programs in the new Customs Interdiction Account.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$175,932,000, of which $14,500,000 shall not be obligated prior to September 30, 1992*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CUSTOMS AIR AND MARINE ASSETS

The conferees have provided a total funding level of $175,932,000 for the Customs Air and Marine Interdiction Progams in fiscal year 1992. Of this amount, $32,000,000 shall be available for the procurement of a fourth P-3 AEW; and $9,000,000 shall be available for operation and maintenance expenses of the marine interdiction program. The conferees expect the Service to report to House and Senate Committee on Appropriations concerning the actual amount of funds required on an annual basis to sufficiently operate and maintain the marine program. The conferees have also provided $10,000,000 for the acquisition of support helicopters for between ports of entry investigations on the Southwest border; and $4,500,000 to begin the replacement and modernization of the Customs marine interdiction fleet. With respect to the procurement of the support helicopters, the Commissioner of Customs is instructed to procure those helicopters which will maximize the long-term air interdiction mission requirements of the Service.

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum named in said amendment, insert the following: *$12,100,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a new account for improvements to Customs air interdiction facilities and provides $12,100,000 for the Jacksonville, Florida facilities and architectural engineering and design costs for the Corpus Christi, Texas and Miami, Florida air facilities.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

Amendment No. 26: Appropriates $189,000,000 for necessary expenses connected with any public debt issues of the United States instead of $192,270,000 as proposed by the House and $185,659,000 as proposed by the Senate.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$141,372,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $141,372,000 for Administration and Management instead of $144,503,000 as proposed by the House and $141,653,000 as proposed by the Senate.

TAX LAW ENFORCEMENT

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$3,579,879,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $3,579,879,000 for Administration and Management instead of $3,606,124,000 as proposed by the House and $3,582,485,000 as proposed by the Senate. It also deletes language proposed by the Senate which would have earmarked funds for fraud investigations.

TAX FRAUD INVESTIGATIONS

The conferees expect the IRS to devote no less than $292,248,000 and 4,293 full-time equivalent positions to Tax Fraud Investigations in fiscal year 1992. These amounts shall be increased by the additional amounts and positions funded by transfer to this activity from the Office of National Drug Control Policy's Special Forfeiture Fund.

Amendment No. 29: Restores language proposed by the House and stricken by the Senate which directs IRS to provide additional amounts above fiscal year 1991 levels for international tax enforcement.

INFORMATION SYSTEMS

Amendment No. 30: Makes available $427,323,000 until expended for tax systems modernization as proposed by the Senate instead of $492,000,000 as proposed by the House.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and

concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *Provided, That of the $427,323,000 provided for tax systems modernization up to $15,000,000 may be available until expended for the establishment of a federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization: Provided further, That of the amounts authorized to remain available until expended, $97,000,000, shall not be obligated prior to September 30, 1992*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have added language earmarking $15,000,000 for a federally funded research and development center and have inserted a provision which provides that of the total amounts authorized to remain available until expended, $97,000,000, shall not be obligated prior to September 30, 1992.

ADMINISTRATIVE PROVISION

INTERNAL REVENUE SERVICE

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes the requirement for advance approval for transfers of appropriations to other IRS accounts by the House and Senate Committees on Appropriations.

The conferees have reduced three IRS appropriation accounts to reflect a 3 percent inflationary adjustment for non-personnel transfers between accounts by the IRS which could affect personnel levels. As a result, the conferees instruct the Commissioner of IRS to submit a report to the House and Senate Committees on Appropriations which includes a detailed analysis of staffing levels for all of the programs in each appropriation account within 30 days of enactment. Such report shall identify any changes from those proposed in the President's budget submission for fiscal year 1992. In addition, the conferees instruct the Commissioner of IRS to fully allocate the $172,000,000 appropriated for fiscal year 1992 implementation of the fiscal year 1991 resource compliance initiatives.

U.S. SECRET SERVICE

SALARIES AND EXPENSES

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the use of appropriated funds for certain activities and expenses.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations under certain conditions.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available until expended funds for renovation at the Official Residence of the Vice President and the New York Field Office. It also makes funds available for protection at the one non-governmental property and at the airport facility used for travel to and from that property.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes fiscal year 1992 funds available for any Presidential Protection Assistance reimbursements claimed in fiscal year 1991.

SECRET SERVICE FULL-TIME POSITIONS

The budget request of the Secret Service for fiscal year 1992 included $4,400,000 for consolidation activities at the present headquarters site. Instead of using the budgeted funds for that purpose, the conferees are providing the $4,400,000 for an additional 32 full-time equivalent special agent positions and 22 full-time equivalent support positions above the fiscal year 1992 FTE levels requested by the Administration for the operational activities of West African heroin drug task forces which the Senate had proposed to fund through the Special Forfeiture Fund. The conferees further instruct the Service to make available up to $600,000 to support these task forces from any unobligated balances accruing from candidate nominee protection activities. Furthermore, the conferees expect the Service to use any unobligated balances from candidate nominee protection activities to support other Secret Service activities. However, before any expenditure of these funds for other activities, the conferees expect to receive a reprogramming request for prior approval. The conferees have included $4,400,000 in the GSA Federal Buildings Fund for the consolidation of Secret Service office space requirements.

DEPARTMENT OF THE TREASURY

GENERAL PROVISIONS

Amendment No. 37: Restores language proposed by the House and stricken by the Senate which provides that the IRS conduct a pilot program to test the feasibility of sharing efficiency savings between employees and Federal agencies.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes certain basic activities within the Treasury Department.

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first section number named in said amendment, insert the following: *103*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes certain codes of conduct for employees of the IRS in carrying out their tax collection duties.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 104. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

SEC. 105. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. No such transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 106. Notwithstanding any other provision of this Act, the amount appropriated to the United States Mint for salaries and expenses is $52,450,000.

SEC. 107. Notwithstanding any other provision of this Act, the amount appropriated to the Internal Revenue Service for Processing Tax Returns and Assistance is $1,657,944,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Section 104 prohibits the Department of the Treasury from direct billing any of its bureaus for the postage costs of another Treasury bureau.

Section 105 authorizes transfer authority within the Department of the Treasury.

Section 106 appropriates $52,450,000 to the U.S. Mint for salaries and expenses instead of $53,806,000 included under that heading in this Act.

Section 107 appropriates $1,657,944,000 to the Internal Revenue Service for Processing Tax Returns and Assistance instead of $1,661,298,000 included under that heading in this Act.

Amendment No. 41: Deletes a provision proposed by the Senate which would have eliminated the collection of excise taxes on the importation of certain firearms.

Amendment No. 42: Deletes a provision proposed by the Senate which would have prohibited the use of funds for implementation of the Treasury Department voice messaging system.

The conferees understand that this common network would avoid fragmentation of systems that might be procured individually by Treasury's bureaus, eliminating redundant administrative and operational overhead costs. However, the conferees are concerned that productivity savings are assumed to result from this new system in the fiscal year 1992 Treasury budget request even though the Department has indicated that this system is not expected to be operational until the second quarter of fiscal year 1993. The conferees, therefore, deny the fiscal year 1992 full-time equivalent position reductions associated with the implementation of this system as proposed in the President's budget and direct the Department to ensure that each participating Treasury bureau pay its proportionate share of any fiscal year 1992 costs related to this new system.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *$470,000,000:*

Provided, That the last sentence of section 2401(c) of title 39, United States Code, is amended to read as follows: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall (i) include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume; and (ii) calculate the sums requested in respect of mail under former sections 4452(b) and 4452(c) of this title as though all such mail consisted of letter shaped pieces, as such pieces are defined in the then effective classification and rate schedules.": Provided further, That section 3626(a)(2) of title 39, United States Code, is amended to read as follows:

"(2) Rates of postage for a class of mail or kind of mailer referred to in paragraph (1) of this subsection shall be established in accordance with the requirement that the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be borne by such class of mail or kind of mailer, as the case may be: Provided, however, That with respect to mail under former sections 4452(b) and 4452(c) of this title the preceding limitation shall apply only to rates of postage for letter shaped pieces, as such pieces are defined in the associated classification and rate schedules."

: Provided further, That section 3626(i)(2) is amended by adding at the beginning of the first sentence thereof the phrase, "Subject to the requirements of section 2401(c) of this title and paragraph (a)(2) of this section with respect to mail under former sections 4452(b) and 4452(c) of this title,": Provided further, That notwithstanding the provisions of section 3627 of title 39, United States Code, (1) the rates for free and reduced rate mail under section 3626 of title 39, United States Code, with the exception of the rates for third-class pieces other than letter shape, shall continue at the rates in effect on the date of enactment of this Act during fiscal year 1992; (2) the rates for reduced rate third-class pieces other than letter shape shall be increased pursuant to section 3627 of title 39, United States Code, so as to recover as nearly as possible one-half the difference between the sum requested for fiscal year 1992 in respect of mail under former sections 4452(b) and 4452(c) of this title as calculated under section 2401(c)(ii) of title 39, and the sum that would be requested for fiscal year 1992 in respect of such mail if paragraph (ii) of section 2401(c) had not been enacted; and (3) the Postal Service is instructed to reconcile any fiscal year 1992 funding shortfall as a result of this appropriation or the requirements of this proviso against future year appropriations requests: Provided further, That pursuant to section 3627 of title 39, United States Code, the rates for reduced rate third-class pieces other than letter shape shall be adjusted to increase the revenues received from the users of such mail, but in no case less than 20 days following the date of enactment of this Act: Provided

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have included a provision in the bill which institutes a reform to the revenue forgone program. This provision will result in a projected savings to the Postal Service of $90 million in fiscal year 1992. The language provides that there will be no rate increase for preferred rate mailers, with the exception of third class non-profit, non-letter shaped pieces in fiscal year 1992. This reform has the effect of assisting the Postal Service in one of its primary objectives which is to maximize the benefits of automation. Currently non-letter shaped pieces cannot be automatically processed and, therefore, each piece must be manually processed, at a much higher cost per piece than letter-shaped mail. The conferees have provided a total appropriation of $470,000,000 for the fiscal year 1992 revenue forgone payment to the Postal Service, an amount which is $180,000,000 below the amount proposed by the House and $87,000,000 above the amount proposed by the Senate. If the Postal Service determines that there is a funding shortfall as a result of the appropriated amount for this account, the Postal Service is directed, pursuant to section 3627 of title 39, United States Code, to adjust the rates on reduced-rate third-class mail other than letter-shaped pieces, by the appropriate amount in fiscal year 1992. All other rates for free and reduced-rate mail will remain at their present levels in fiscal year 1992. The Postal Service is instructed to adjust future year appropriation requests to reconcile any fiscal year 1992 funding shortfall remaining.

Amendment No. 44: Makes a technical change by inserting the word "further" as proposed by the Senate.

POSTAL FACILITY FOR FLATWOODS, KENTUCKY

The conferees expect that the Postal Service shall establish during fiscal year 1992 a new Postal facility for Flatwoods, Kentucky. The conferees have been made aware that this has been a high priority for the Louisville Division for many years because of the current inadequacy of the existing facility.

MAILINGS USING RECYCLED PAPER

The Postmaster General and the Postal Rate Commission are encouraged to explore the establishment of a preferred rate category for mailings which use recycled paper.

PRIORITY OF ELIGIBILITY

The conferees urge the House Post Office and Civil Service Committee and the Senate Governmental Affairs Committee to review the categories of preferred rate mailers eligible for subsidized rates under current law and to consider establishing some order of priority to apply to limit such eligibility in the event funds available to be appropriated for fiscal year 1993 and later years are insufficient to offset fully revenue forgone from all categories of subsidized preferred rate mailers.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

Amendment No. 45: Deletes a provision proposed by the Senate which would have required organizations preparing preprinted material, fitting the Postal Service's description of "postcard", to display their name, acronym, and/or logo on the preprinted postcards under certain conditions.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which reverts any unused funds to Treasury and prohibits this expense account to be taxable to the President.

OFFICE OF ADMINISTRATOR

SALARIES AND EXPENSES

Amendment No. 47: Appropriates $24,510,000 for salaries and expenses as proposed by the Senate instead of $23,010,000 as proposed by the House.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows funds appropriated for repair of the face of the Executive Residence to remain available until expended.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

Amendment No. 49: Inserts the word "operation" and deletes the words "maintenance, repair, and alteration" as proposed by the Senate. This is a technical change in wording.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Vice President to account for official entertainment expenses solely on his certificate.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that advances, repayments, or transfers from this appropriation may be made to any department or agency for expenses of carrying out activities related to the Official Residence.

NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided, That the Council shall carry out only those responsibilities and authorizes which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: Provided further, That Staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimbursable basis*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides that the Council carry out certain specific responsibilities and authorizes certain resources to be available to the Council.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first sum named in said amendment insert the following: *$51,934,000*

The managers on the part of the Senate will move to concur in the amendment of the House of the amendment of the Senate.

This amendment appropriates $51,934,000 instead of $50,470,000 as proposed by the House and $53,434,000 as proposed by the Senate. It also inserts limitations which prohibit certain actions by the Office of Management and Budget which have been included in the bill in prior years.

The conferees have continued the General Provision which prohibits the General Services Administration from contracting out certain types of positions, such as guards and custodians. The conferees understand that personnel ceilings imposed by the Office of Management and Budget may also decrease GSA's ability to allocate its manpower most efficiently. The conferees believe

that the Public Buildings Service has done a conscientious job of equating its program and personnel requirements through its "most efficient organization" policy. The conferees therefore direct OMB and GSA to work together to assure that GSA's real property management programs are adequately staffed.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Amendment: No. 54: Appropriates $105,122,000 for salaries and expenses instead of $69,122,000 as proposed by the House and $113,018,750 as proposed by the Senate.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to receded and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *of which $500,000 shall be available for salaries and expenses of the Counter-Drug Technology Assessment Center; of which $1,000,000 shall be available to the Counter-Drug Technology Assessment Center for counternarcotics research and development activities.*

The managers on the part of the Senate will move to concur in the amendment of the House of the amendment of the Senate.

This amendment earmarks $500,000 for salaries and expenses of the Counter-Drug Technology Assessment Center and $1,000,000 for counternarcotics research and development activities.

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$86,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $86,000,000 for designated High Intensity Drug Trafficking Areas instead of $50,000,000 as proposed by the House and $85,000,000 as proposed by the Senate.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided, That of the $86,000,000 made available, up to $50,000,000 shall be transferred to Federal agencies and departments within 90 days of enactment of this Act for implementing the approved strategy for each High Intensity Drug Trafficking Area and shall be obligated by the end of fiscal year 1992: Provided further, That not less than $36,000,000 shall be transferred to the Department of Justice and the Department of the Treasury within 90 days of enactment of this Act for disbursement to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: Provided further, That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activites which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: Provided further, That notwithstanding any other provision of law, the Department of the Treasury, is authorized to transfer funds to other Federal, State, and local drug control agencies: Provided further, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

STATE AND LOCAL HIDTA ASSISTANCE

The conferees have provided $36,000,000 in fiscal year 1992 for direct assistance to state and local drug control agencies in designated high intensity drug trafficking areas. Of this amount, $16,000,000 shall be available for the Southwest border HIDTA and the remaining $20,000,000 shall be available for the four Metropolitan HIDTAs. With respect to the Southwest border HIDTA, the conferees instruct the Department of the Treasury to allocate the funds for drug control activities evenly among the four states comprising the Southwest Border HIDTA. These funds shall only be used for activities which are approved by the Joint Command Group of Operation Alliance and ultimately, the Assistant Secretary for Enforcement of the Department of the Treasury.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$52,500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes $52,500,000 to be expended from the Special Forfeiture Fund instead of $77,000,000 as proposed by the House and $67,000,000 as proposed by the Senate.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *of which $19,000,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration: Provided, That $10,000,000 shall be available to the Office of Substance Abuse Prevention for the implementation of not to exceed ten demonstration projects to permit substance-abusing women to reside with their children in comprehensive community prevention and treatment facilities: Provided further, That $9,000,000 shall be made available to the Office of Treatment Improvement for drug treatment capacity expansion; of which 47,500,000 shall be transferred to the Immigration and Naturalization Service for the hiring, equipping, and training of not less than an additional 75 full-time equivalent Border Patrol agents to be designated to sectors on the United States-Mexico border: Provided, That such positions shall be in addition to the full-time equivalent Border Patrol positions funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992; of which $6,000,000 shall be transferred to Internal Revenue Service, tax law enforcement, for the hiring, equipping, and training of additional special agents and administrative and support positions for drug-related investigations in designated High Intensity Drug Trafficking Areas; and of which $20,000,000 shall be transferred to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy for counternarcotics research and development activities and for substance abuse addiction and rehabilitation research, to remain available until expended: Provided further, That any unobligated balances remaining in the Fund at the end of the third quarter of fiscal year 1992 in excess of $13,125,000, shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration and made available for the purposes of reducing waiting lists; expanding drug treatment capacity, drug abuse treatment, and treatment-related activities; and shall also be transferred to the Department of Housing and Urban Development and made available for the Drug Elimination Grant Program, and such funds shall remain available until expended*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Anti-Drug Abuse Act of 1988, Public Law 100-690, was amended during 1990 to provide for the establishment of a Counter-Drug Technology Assessment Center within the Office of National Drug Control Policy. This office is authorized to serve as the central counter-narcotics enforcement research and development organization of the U.S. Government.

The conferees have provided $500,000 for salaries and expenses and $1,000,000 for counter-drug research and development for the Center for fiscal year 1992 in the Office of National Drug Control Policy's salaries and expenses account, as requested. In addition, the conferees have provided $20,000,000 to be transferred to the Center out of the Special Forfeiture Fund. These funds are to carry out counternarcotics research and development activities, as well as substance abuse addiction and rehabilitation research.

The conferees believe that in examining addiction and rehabilitation research, it is especially important to stress and interdisciplinary approach examining clinical, pharmacological and behavioral approaches to this problem. The conferees encourage the Counter-Drug Technology Assessment Center to work closely with the National Institute of Drug Abuse (NIDA) and the Addiction Research Center of NIDA in awarding grants in this regard.

The conferees expect counter-drug enforcement research and development programs to be coordinated by the Center in order to prevent duplication of effort and to assure that whenever possible, those efforts provide capabilities that transcend the needs of any single Federal agency. The conferees also expect that Center to give priority consideration to the application of existing technologies developed by the national laboratories and other Federal research and technological needs of drug enforcement agencies. In addition, the conferees direct the Center to use the funding provided to supplement individual drug control agency research budgets, thereby providing a source from which priority unfunded needs can be met.

Prior to the obligation of these funds, the conferees expect to be notified by the chief scientist on how these funds will be spent. The conferees also expect to receive periodic reports from the chief scientist on those priority research and development requirements identified by the Center.

RESIDENTIAL DRUG TREATMENT PROJECTS

The conferees have provided an additional $10,000,000 to the Alcohol, Drug Abuse, and Mental Health Administration's Office for Substance Abuse Prevention to fund comprehensive residential drug treatment

projects for substance-abusing mothers and their children. Also included in this amount is $350,000 for the Office for Treatment Improvement to operate the Amity Jail Project in Pima County, Arizona. This project provides treatment to drug-abusing criminal offenders in the Pima County Adult Detention Center and has been used as model for similar drug treatment programs throughout the country.

TITLE IV—INDEPENDENT AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows funds collected from the sale of publications to be used to supplement funds in this account.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

Amendment No. 61: Appropriates $1,446,000 for salaries and expenses as proposed by the Senate instead of $1,293,000 as proposed by the House.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum named in said amendment, insert the following: *$271,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House of the amendment of the Senate.

This amendment appropriates $271,000,000 to the Federal Buildings Fund.

Amendment No. 63: Makes a technical change inserting the word "said" as proposed by the Senate instead of the word "the" as proposed by the House.

Amendment No. 64: Deletes language proposed by the House which cites a specific statute. That statute is cited in Amendment No. 62.

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$4,152,613,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a total limitation of $4,152,613,000 instead of $4,131,346,000 as proposed by the House and $4,037,836,276 as proposed by the Senate.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$548,482,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a limitation for construction of $548,482,000 instead of $371,416,000 as proposed by the House and $385,104,276, as proposed by the Senate.

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

California:

Menlo Park, United States Geological Survey, Office Laboratory Buildings, escalation, $11,047,000

Orange County, Courthouse, $250,000

District of Columbia:

U.S. Secret Service, consolidation, $4,400,000

Florida:

Fort Myers, Federal Building and United States Courthouse, $977,000

Tallahassee, U.S. Courthouse Annex, $3,764,000

Georgia:

Albany, U.S. Courthouse, design, $921,000

Atlanta, Centers for Disease Control, $5,000,000

Augusta, U.S. Courthouse, $3,500,000

Indiana:

Hammond, Courthouse and Federal Building, $5,000,000

Kansas:

Wichita, U.S. Courthouse, $9,968,400

Maine:

Portland, Edward T. Gignoux U.S. Courthouse, $10,575,000

Maryland:

Bureau of the Census, Computer Center, planning and design, $2,700,000

Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $200,000,000

Prince George's County, U.S. Courthouse, $10,747,000

Massachusetts:

Boston, Thomas P. O'Neill Federal Building, claim, $3,100,000

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $19,000,000

Missouri:

St. Louis, Federal Building and U.S. Courthouse, $30,000,000

Nevada:

Reno, C. Clifton Young Federal Building, United States Courthouse Annex, design and site acquisition, $6,321,000

New York:

Brooklyn, U.S. Courthouse, $10,000,000

North Carolina:

Asheville, U.S. Courthouse and Federal Building, $29,791,000

Tennessee:

Knoxville, U.S. Courthouse—Post Office, $36,616,000

United States Virgin Islands:

Charlotte Amalie, Saint Thomas, U.S. Courthouse Annex, $8,524,000

West Virginia:

Beckley, Federal Building and U.S. Courthouse, $25,000,000

Nonprospectus Construction Projects, $5,000,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

SCRANTON FEDERAL BUILDING

The conferees are aware of a growing need for additional space to accommodate the Federal courts located in Scranton, Pennsylvania. Accordingly, the General Services Administration is directed to investigate potential site acquisition for a future expansion project of the Scranton Federal Building.

FOOD AND DRUG ADMINISTRATION

The conferees have provided $200 million to begin the process of consolidating the Food and Drug Administration (FDA) from its current 34 buildings and 11 buildings and 11 locations into two campuses: (1) a headquarters campus, to include administrative and drug research facilities, in Montgomery County, and (2) a food and veterinary sciences campus in Prince George's County. These funds may be used for land acquisition, site development, environmental impact statement preparation, and design of facilities and construction. It is the intention of the conferees that funding and agency action on the two campuses should proceed concurrently.

There is no disagreement that the current space is antiquated, overcrowded, unsafe, and inefficient. The poor facilities are having a negative impact on recruitment and retention of scientific talent and are leading to inefficiencies that are delaying approval of drugs and products for consumers. These points have been repeated by the General Accounting Office in numerous studies and in hearings before the Congress. These problems are especially alarming in light of the fact that FDA is now responsible for regulating the health and safety of products that represent 25 percent of what every American consumer spends each year.

GSA has reported that there will be significant long-term savings to the taxpayer from a consolidation as well, since government-owned facilities will be cheaper to occupy than the leased space which is currently used for much of the agency's needs.

Both the President and the Congress have expressed their support for this project by enacting P.L. 101-635, that specifically authorized construction of new administrative and laboratory facilities for the FDA. Delays with the consolidation of facilities have already placed the mission of the FDA in jeopardy. Further delay will only worsen the overcrowded, inefficient and often dangerous condition which now exist.

The Conferees have taken a significant first step with the funding provided in this bill. The conferees recognize that this is an extremely large project and one that will take many years to fund and complete. The conferees are concerned that without an annual budget request by the President of funds necessary to complete this project it is unlikely that the Congress will be able to sustain the funding necessary to complete this project. The conferees direct FDA, GSA, HHS, and OMB to work together to develop and submit a funding plan to the House and Senate Appropriations Committee no later than December 31, 1991. The conferees strongly urge the Office of Management and Budget and the President to review this project and support it and request an appropriate funding level in the fiscal year 1993 budget request.

U.S. SECRET SERVICE CONSOLIDATION

The conferees have appropriated $4.4 million to the Federal Buildings Fund and provided a like amount of New Obligational Authority, to be available until expended, to provide for part of the above-standard relocation expenses associated with the consolidation of the United States Secret Service office space in the District of Columbia.

KNOXVILLE, TENNESSEE COURTHOUSE

The conferees have agreed to the $36 million appropriation provided by the Senate to the General Services Administration for the construction of a federal courthouse in Knoxville, Tennessee. This amount is sufficient to complete construction of a 125,600 square foot building with 22,500 square feet of parking space. The conferees are aware that this original estimate of the size of the

Knoxville courthouse may not reflect the projected need for space in the new building. The conferees understand that additional funding may be necessary to fund the construction cost of a larger courthouse, and in making available $36 million in fiscal year 1992, the conferees do not intend to limit the ability of the GSA to proceed with the engineering, design and construction of a larger building.

FEDERAL SPACE NEEDS, ATLANTA, GA

The Administrator of the General Services Administration is directed to conduct a study of federal space needs in Atlanta, Georgia and to submit a report thereon to the Committees on Appropriations of the House and Senate. The report should specifically consider vacant private sector buildings which may be available for lease or purchase and renovation. Such a report should be submitted to the Committees by March 31, 1992.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects by not to exceed 10 per centum. It also provides that all funds for direct construction projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund (except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date). It further provides that claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects, be liquidated with prior notification to the Committees on Appropriations to the extent savings are effected in other such projects.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *: Provided further, That the General Services Administration shall reprogram up to $16,200,000 to supplement funds previously authorized and appropriated for the National Oceanographic and Atmospheric Administration laboratory, Boulder, Colorado, subject to the approval of the House and Senate Committees on Appropriations according to existing reprogramming procedures: Provided further, That such funds will be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environmental and Public Works: Provided further, That the amount available under this heading for Department of Transportation, Headquarters, site in Public Law 101-509, dated November 5, 1990 is hereby deferred and shall be available for obligation on October 1, 1992 and all contingencies and constraints on the use of such funds in the original language are continued herewith; (2) not to exceed $569,251,000 which shall remain available until expended, for repairs and alterations: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment mandates that GSA reprogram and defer certain funds, and establishes certain limitations on the Federal Buildings Fund activities.

Amendment No. 70: Makes available $14,000,000 for the Harold D. Donahue Federal Building and Courthouse as proposed by the House instead of $10,331,000 as proposed by the Senate.

PEACE BRIDGE, BUFFALO, NEW YORK

The conferees are concerned about the delays in expansion of the Peace Bridge border facility in Buffalo, New York. The conferees support the upgrading of this facility to better accommodate the growth of commercial trade and direct the U.S. Customs Service and the General Services Administration to formulate a plan to meet these needs and submit such plan to the House and Senate Committees on Appropriations no later than December 15, 1991. The conferees expect that plan to include steps to initiate design, planning and other preconstruction work during fiscal year 1992 from available funds.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$266,331,000: Provided, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date;*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a limitation of $266,331,000 as proposed by the House instead of $270,000,000, as proposed by the Senate. It also authorizes certain GSA activities.

Amendment No. 72: Insert new paragraph number as proposed by the Senate.

Amendment No. 73: Insert new paragraph number as proposed by the Senate.

Amendment No. 74: Makes available $1,568,900,000 for rental of space as proposed by the Senate instead of $1,655,900,000 as proposed by the House.

PATENT AND TRADEMARK OFFICE

The conferees direct the Administrator of General Services to conduct a reappraisal of the 1992 rent rates to be assessed the Patent and Trademark Office (PTO) beginning on October 1, 1991, for the office facilities that the PTO leases in Crystal City, Arlington, Virginia. The reappraisal shall consider commercial rates currently being assessed the private sector in the Crystal City-Pentagon City areas of Arlington, Virginia for large blocks of space comparable to the blocks currently available to the PTO. Within 90 days of the date of enactment of this Act, the Administrator shall report to the House and Senate Committees on Appropriations on the results of the reappraisal and the expected adjustment in rent rates, if any, to be charged the PTO in fiscal year 1992 by the General Services Administration.

Amendment No. 75: Insert new paragraph number as proposed by the Senate.

Amendment No. 76: Restores language proposed by the House and stricken by the Senate which makes available funds for the relocation of the National Science Foundation headquarters.

This amendment provides for the relocation of National Science Foundation headquarters.

Amendment No. 77: Inserts new paragraph number as proposed by the Senate.

Amendment No. 78: Makes available $137,748,000 for program direction and centralized services as proposed by the Senate instead of $139,748,000 as proposed by the House.

Amendment No. 79: Inserts new paragraph number as proposed by the Senate.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$112,273,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes available $112,273,000 for design and construction instead of $143,072,000 as proposed by the House and $114,874,000 as proposed by the Senate.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *:Provided further, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: Provided further, That none of the funds available to the General Services Administration, except for the Albany, Georgia U.S. Courthouse; the Augusta, Georgia U.S. Courthouse; the Wichita, Kansas U.S. Courthouse; the Portland, Maine Edward T. Gignoux U.S. Courthouse; the Maryland, Food and Drug Administration consolidation; the St. Louis, Missouri, Federal Building and U.S. Courthouse; the Reno, Nevada C. Clifton Young Federal Building and U.S. Courthouse Annex; the Asheville, North Carolina Federal Building; the Knoxville, Tennessee U.S. Courthouse-Post Office; the Beckley, West Virginia, U.S. Courthouse and Federal Building; the Atlanta, Georgia, Centers for Disease Control Building; the Orange County, California, U.S. Courthouse; the Worcester, Massachusetts, Harold D. Donahue Federal Building and U.S. Courthouse; the Hammond, Indiana, Courthouse and Federal Building; the Brooklyn, New York, U.S. Courthouse; the Maryland, U.S. Census Bureau Computer Center; and the District of Columbia, U.S. Secret Service Consolidation shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from*

the Committees on Appropriations of the House and Senate: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the General Services Administration to consider certain buildings as federally owned, authorizes certain buildings to be constructed under certain circumstances, and authorizes certain emergency repairs. It also authorizes construction related to U.S. Secret Service protective functions.

Amendment No. 82: Inserts the word "further" as proposed by the Senate.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that any other sums as well as revenues and collections accruing to the Federal Buildings Fund shall remain in the Fund.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$4,152,613,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a new limitation obligational authority of $4,152,613,000 instead of $4,131,346,000 as proposed by the House and $4,037,836,276 as proposed by the Senate.

REAL PROPERTY RELOCATION

Amendment No. 85: Appropriates $12,000,000 for Real Property Relocation instead of $16,000,000 as proposed by the House and $8,000,000 as proposed by the Senate.

Amendment No. 86: Restores language proposed by the House and stricken by the Senate which establishes the "Silvio O. Conte National Records Center".

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$31,155,000: Provided, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: Provided further, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $31,155,000 for salaries and expenses instead of $31,421,000 as proposed by the House and $30,431,000 as proposed by the Senate. This amendment also authorizes certain activities.

INTERNATIONAL CULTURAL AND TRADE COMMISSION

The conferees have included $724,000 for the International Cultural and Trade Commission (ICTC) for operational expenses. Current law provides that the ICTC may seek contributions of up to $1,000,000 per year from several federal agencies until it becomes fully operational. The conferees direct the ICTC to use this authority, or to request the President to seek a separate line-item appropriation for ICTC as an independent agency, for fiscal year 1993 funding. The operational expenses of the Commission will not be borne solely by the GSA in future years.

CFC'S

The conferees are aware that the Clean Air Act Amendments of 1990 banned the production of refrigerants known as "CFCs" after the year 2000 and the international release of all refrigerants into the atmosphere after July 1, 1992. For purposes of the Act, the recovery, reclamation and re-use of refrigerants in current supply is considered to be an environmentally sound and economically beneficial alternative for compliance.

The conferees are aware that the useful life for many air conditioning and refrigeration units under federal control extends beyond the CFC phase-out period and that a rational policy should be developed by the General Services Administration for all federal buildings which responds to this issue. The conferees direct GSA to submit a report no later than September 30,1992 that will at a minimum, (1) identify any and all refrigerants in current supply at buildings and facilities under federal control, (2) investigate the feasibility of recovering and reclaiming refrigerants from decommissioned activities to determine if a substantial reserve supply could be provided that would be readily available for use at other public building locations, (3) determine the potential savings from recovering and reclaiming refrigerant, and (4) evaluate the extent to which a refrigeration reclamation program will prolong the remaining useful life of the government's existing equipment base.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes funds available for the Information Security Oversight Office.

OFFICE OF INSPECTOR GENERAL

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $35,994,000 as proposed by the Senate instead of $34,994,000 as proposed by the House and authorizes certain expenditures for other purposes.

GENERAL SERVICES ADMINISTRATION

GENERAL PROVISIONS

Amendment No. 90: Restores language proposed by the House and stricken by the Senate which provides up to $8 million for expenses related to the relocation of a U.S. Fish and Wildlife Service regional office to the Amherst, Massachusetts area as authorized and directed by Public Law 101-136. These funds should be provided directly to the Fish and Wildlife Service without delay so that relocation activities can be completed in a timely and efficient manner. In addition, the GSA is directed to proceed expeditiously with the acquisition of a suitable facility to house the regional office. GSA requires no further authorization from the Congress or any agency of the Federal government to comply with the relocation mandated by Public Law 101-136.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 2. The Administrator of the General Services Administration (GSA) is authorized to accept property from the State of Maryland at no cost for the purpose of constructing a computer facility for the Bureau of the Census and to begin preliminary design work on such a facility. GSA and the Office of Management and Budget are directed to submit to the appropriate authorizing and appropriations committees of the Congress an evaluation of need and a prospectus for this project no later than January 31, 1992.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the Administrator of GSA to accept certain property and requires that an evaluation be made.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *3*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment permits the Federal Buildings Fund to be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement included as part of rentals received from Government corporations.

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *4*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment allows the GSA to use appropriated funds for the hire of motor vehicles.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *5*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides the GSA with authority to transfer up to 2 percent between appropriations accounts with the prior approval of the House and Senate Committees on Appropriations.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and

concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *6*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment restricts the transfer of any funds appropriated for activities of the Federal Buildings Fund.

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first section number named in said amendment, insert the following: *7*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes GSA to use funds from other agencies for expansion and these amounts are authorized to be used in addition to the new obligational authority limits on rental of space activities.

Amendment No. 97: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *8*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits the GSA from disposing of certain lands located near Norfolk Lake, Arkansas.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *9*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits the GSA from disposing of certain lands located near Bull Shoals Lake, Arkansas.

Amendment No. 99: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first section number named in said amendment, insert the following: *10*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes Federal agencies to reimburse employees for certain expenses associated with child care.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 11. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collection, or other income received during fiscal year 1992 in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have continued this general provision, with modification, to encourage the General Services Administration to continue to achieve increased energy efficiency in federal buildings and to promote participation in recycling programs.

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *12*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment requires GSA to undertake a ceded lands inventory in the State of Hawaii.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *12*

SEC. 13. Notwithstanding any other provision of law, the General Services Administration shall enter into an agreement with the City of Des Moines, Iowa, to pay expenses for one half of the operation, maintenance and repair of each skywalk bridge spanning city streets or alleys and connecting to the Federal Building at 210 Walnut Street in Des Moines, Iowa after the construction of each such skywalk and each year thereafter.

SEC. 14. The Center and Federal Building located at 255 East Temple Street in Los Angeles, California, is hereby designated as the "Edward R. Roybal Center and Federal Building". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "Edward R. Roybal Center and Federal Building".

SEC. 15. Notwithstanding any other provision of law, where funds have been made available to the General Services Administration in the real property operations activity of the Federal Buildings Fund in fiscal year 1992, not to exceed $7,000,000, for expenses related to relocation of a specific agency as authorized by this Act, such agency is hereby authorized and required to reimburse the General Services Administration for such expenditures in equal amounts over a period of two years, beginning in fiscal year 1993.

SEC. 16. After certification by the City of Des Moines, Iowa (the City), that the YMCA of Greater Des Moines (YMCA) will serve significant educational purposes, including educational requirements of the City, the Secretary of Education (the Secretary) is authorized to consider the YMCA as an educational institution or organization for the purposes of section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. section 484(k)), with respect to use by the YMCA of a portion, to be designated by the City, of the land conveyed to the City by the United States pursuant to section 203(k) on or about November 6, 1972. Upon joint application by the YMCA and the City, of Secretary, acting in accordance with section 203(k) and regulations related thereto, shall promptly consider, and is authorized to approve, a lease by the City to the YMCA of the above property designated by the city, subject to such terms and conditions as the Secretary shall deem necessary to protect or advance the interests of the United States.

SEC. 17. Notwithstanding any other provision of law, funds previously provided under this heading in P.L. 101-136, for a grant to the County of Los Angeles, California, shall be provided directly to the City of Long Beach, California, for construction of a parking facility and the City will assume the role of grantee and all the responsibilities attendant therewith: Provided, that the City of Long Beach, California, shall provide to the GSA, without cost, 250 parking spaces for a period of 99 years, in a parking facility to be constructed: Provided further, That Section 16, GSA General Provisions, P.L. 101-136, is hereby repealed.

SEC. 18. Notwithstanding any other provisions of this Act the limitation on the real property operations activity of the Federal Buildings Fund of the General Services Administration is $1,071,372,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Section 13 authorizes GSA to pay expenses for one half of the operation, maintenance, and repair of certain skywalk bridges under certain conditions.

Section 14 names a center and federal building.

Section 15 requires reimbursement to the Federal Buildings Fund (FBF) of the General Services Administration (GSA) for relocation expenses to be incurred in the real property operations activity of the FBF for the one agency specified under that activity. Relocation expenses are not part of the services provided by GSA in return for rent charged to customer agencies; such expenses are normally borne by the relocation agency. Therefore, it is proper that these expenses should be reimbursed to GSA.

Section 16 permits the Secretary of Education, after appropriate certification by the City of the Des Moines, Iowa, to recognize the YMCA of Greater Des Moines as meeting the qualifications of an educational institution or organization for obtaining Federal surplus land under section 203(k) of the Federal Property and Administrative Services Act of 1949. The Secretary will thus be able to approve a lease of a portion of certain lands which the City of Des Moines holds under a prior conveyance of surplus property for educational purposes, subject to the terms and conditions of applicable law and regulations and such other terms and conditions as the Secretary deems necessary to protect the interests of the United States. The YMCA of Greater Des Moines has offered a program of activities to the City that will involve substantial educational components. The conferees must emphasize, however, that this authorization is based on unique circumstances obtaining in Des Moines. They do not intend that this case be regarded as a precedent with respect to other YMCA's or similar organizations.

Section 17 changes responsibility for grant funding provided in a previous appropriation act, from the County of Los Angeles to the City of Long Beach. This will allow the City to use the grant to construct a parking facility at a cost not to exceed the original amount of $3,000,000 and to provide the General Services Administration, without cost, 250 parking spaces. The County of Los Angeles, City of Long Beach and General Services Administration mutually agree that action to alleviate the parking shortages associated with the opening of the new Long Beach Federal Building is rightfully the responsibility

of the City of Long Beach; hence the need to reassign the responsibility for the grant funding to the City. This action by the Conferees does not affect the availability as to time of the grant funds.

Section 18 establishes a limitation of $1,071,372,000 on the real property operations activity of the Federal Buildings Fund of the GSA.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

Amendment No. 103: Appropriates $152,143,000 for operating expenses as proposed by the House instead of $154,143,000 as proposed by the Senate.

Amendment No. 104: Allocates $5,400,000 for allocations and grants for historical publications and records as proposed by the House instead of $6,000,000 as proposed by the Senate.

Amendment No. 105: Includes language proposed by the Senate which makes funds available until expended.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $116,593,000 for salaries and expenses and $79,757,000 to be transferred from Office of Personnel Management Trust Funds, with certain limitation and authorizations.

MAILINGS

The conferees note that until 1982, the Office of Personnel Management (OPM) provided the Senior Executives Association (SEA) and National Association of Retired Federal Employees (NARFE) with assistance to facilitate communication with their membership. Most notably, this include "blind mailings" of material provided by these groups. This means that the names of federal employees or mailing addresses were never released to these groups, and all costs associated with the mailings were borne by the groups doing the mailing. This prevented violations of privacy and the Freedom of Information Act.

The conferees believe that such mailings can be beneficial to employees and retirees. The conferees, therefore, direct OPM to seriously consider requests from SEA and NARFE for blind mailings, weighing carefully the privacy rights of federal employees and retirees as provided for under the Privacy Act, as well as any administrative problems or costs that might arise.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

Amendment No. 107: Deletes a provision proposed by the Senate which would have amended Title 18 of the United States Code to provide criminal sanctions regarding the transmission of the AIDS virus.

Amendment No. 108: Appropriates $4,018,000 for salaries and expenses as proposed by the Senate instead of $3,118,000 as proposed by the House.

Amendment No. 109: Makes available $5,825,000 for administrative expenses to audit OPM insurance programs as proposed by the Senate instead of $6,375,000 as proposed by the House.

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: , *as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the Inspector General to make certain determinations and to rent conference rooms.

REVOLVING FUND

Amendment No. 111: Deletes a provision proposed by the House which would have made funds available for the President's Commission on Executive Exchange.

OFFICE OF PERSONNEL MANAGEMENT

GENERAL PROVISION

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which ensures that cost-of-living allowance (COLA) rates paid to General Schedule, Postal Service, and other employees are not reduced while OPM considers appropriate adjustments to the COLA program.

U.S. TAX COURT

SALARIES AND EXPENSES

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $32,050,000 for salaries and expenses as proposed by the Senate instead of $33,050,000 as proposed by the House. It also authorizes travel expenses of the judges to be paid upon written certification of the judge.

TITLE V—GENERAL PROVISIONS OF THIS ACT

Amendment No. 114: Restores language proposed by the House which prohibits the withdrawal of the designation of Front Royal, Virginia as a Customs Service Port of Entry.

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *523A.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment reduces all travel expenses in the Act by 5 percent, with the exception of the Committee for Purchase from the Blind and Other Severely Handicapped.

Amendment No. 116: Restores language proposed by the House and deleted by the Senate which provides that no funds in this Act may be used to award a Federal agency lease in the Omaha, Nebraska-Council Bluffs, Iowa, geographical area, which does not meet certain criteria.

Amendment No. 117: Deletes language proposed by the House and stricken by the Senate regarding the Bureau of the Public Debt move to Parkersburg, West Virginia. This subject matter is addressed in Amendment No. 120.

Amendment No. 118: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 528. The provisions of section 515 shall not apply after October 1, 1991.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

WORK AND FAMILY EMPLOYEES STUDY

The conferees recognize that an increasing number of federal employees must balance the demands of work and family, and it is important that the federal government accommodate these needs. Thus, the Director of the Office of Personnel Management is directed to survey federal agencies to assess the use of profamily employee programs governmentwide, and to report to Congress no later than 6 months after enacted on measures that would make these programs more effective and more extensively utilized.

The conferees expect that the employee programs considered should not be limited to, but should include: child day care, senior care, flexiplace, flexitime, and other alternative work schedules, job-sharing, leave sharing, and annual and sick leave policy. The report should include specific recommendations on measures that would make these programs more useful to employees. It should also include specific recommendations on incentives for federal agencies to implement these programs, for supervisors and managers to promote these programs, and for employees to participate. The report should be accompanied by legislation to implement the Director's recommendations, and should indicate which recommendations could be implemented by OPM or other federal agencies under current law. The conferees believe that in order to recruit, retain, and motivate high quality employees, the federal government must be sensitive to work and family considerations, and believes that the OPM report will advance this effort.

EXECUTIVE SEMINAR CENTERS

The conferees are aware that the Office of Personnel Management plans to reassess human resource development activities in fiscal year 1992 and, accordingly, the conferees have limited the applicability of section 515 in order to facilitate this process. As OPM proceeds with plans to implement a governmentwide training strategy, all affected employees at existing Executive Seminar Centers should be provided the opportunity to continue working for OPM in the same or similar positions.

Amendment No. 119: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *529*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment mandates certain employment practices regarding veterans.

Amendment No. 120: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 530. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991 to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in Subsection (a) shall commence on or before September 30, 1992, and shall be complete by December 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

SEC. 531. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have included language in the bill supporting the Bureau of the Public Debt's plan to move almost all Washington-based operations to Parkersburg, West Virginia, specifically including the Offices of Administration, Automated Information Systems, Public Debt Accounting, and Securities and Accounting Services. The Bureau announced on March 19, 1991, that it had arrived at the decision to relocate to Parkersburg as part of its long-range planning process.

The Commissioner of the Bureau of the Public Debt has written that this move will provide substantial long-term benefits to the Bureau as an organization, to the Bureau's millions of customers, and to the Federal Government.

According to the Bureau, its employment and retention experience in Parkersburg has been very positive. For those seeking federal employment in the Parkersburg area, the Bureau has been the dominant employer. Because of its location and resulting competitive advantage, the Bureau has had an abundant supply of well-qualified applicants for jobs, and high retention rates. For example, two-thirds of Parkersburg's computer center employees have more than fifteen years of service with the Bureau, which is a very unusual and desirable level of data processing experience. The Bureau expects this advantage to continue as employment increases at its Parkersburg facilities.

The Bureau also expects substantial cost savings in the administrative services area and data processing area as a result of consolidating all these facilities in Parkersburg. It is estimated that the shift of 700 employees to Parkersburg could save approximately $3,000,000 per year, based on the premise that if the Bureau were not to move to Parkersburg, it would need to find suitable space in the Washington area in the range of $30 per square foot, compared to rent of only $13 per square foot in Parkersburg.

The conferees have also adopted language which ensures that no present employee of the Bureau who does not wish to move to Parkersburg will be left without a federal job in the Washington, D.C. Metropolitan Region. This language prohibits the Department of the Treasury from separating, reducing the grade or pay, or carrying out any other adverse personnel action against any individual who declines to move to Parkersburg, unless such individual has declined an offer of another Department of the Treasury job of at least equal pay in the Washington, D.C. region. The Bureau has stated its commitment to do everything possible to minimize the disruption caused by the move the Parkersburg to employees' lives and careers, specifically by assisting those employees who cannot move or choose not to move to find other employment in the Washington area. The conferees believe this bill language is consistent with the stated intention of the Bureau.

The conferees also support the language in the House and Senate reports directing the Bureau and the Office of Personnel Management to provide voluntary early retirement for affected employees as well as reimbursement of relocation costs for those employees who choose to relocate to West Virginia.

Amendment No. 121: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *532*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits the use of Customs Service funds to collect or impose a land border user fee.

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first section number named in said amendment, insert the following: *533*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes assistance to certain State and local law enforcement entities for Presidential protection activities.

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *534*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment restricts the use of travel funds to those amounts included in agency budget estimates if no other limitations have been included in the bill.

Amendment No. 124: Deletes a provision proposed by the Senate which mandated a report on certain property in Harrisonburg, VA.

HARRISONBURG, VIRGINIA POSTAL FACILITY

The conferees instruct the Administrator of General Services and the Postmaster General of the United States to submit a report to the House and Senate Committees on Appropriations by March 1, 1992, indentifying the disposition of the United States Postal Service facility located in Harrisonburg, Virginia. Such report shall include information on the cost of acquiring the facility located in Harrisonburg, Virginia. Such report shall include information on the cost of acquiring the facility and projected renovation costs.

Amendment No. 125: Deletes a provision proposed by the Senate regarding the Federal Employees Pay Comparability Act of 1990. The legislative Committees are currently considering this matter.

TITLE VI—GENERAL PROVISIONS DEPARTMENTS, AGENCIES, AND CORPORATIONS

Amendment No. 126: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which places limitations on the cost for the purchase of Government vehicles with certain exceptions.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the use of travel funds for other purposes in accordance with 5 U.S.C. 5922-24.

Amendment No. 128: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment restricts the use of funds to compensate individuals who are not citizens of the United States with certain exceptions. It includes within those exceptions nationals of the People's Republic of China who are protected by Executive Order Number 12711.

Amendment No. 129: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits the GSA to use funds from other agencies for renovation and alterations of facilities.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits funds made available for administrative expenses of corporations and

agencies subject to chapter 91 of title 31 U.S.C. to be available for rent in the District of Columbia.

Amendment No. 131: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which restricts the use of pay to any person for filling a position for which that person has been nominated after the Senate has voted not to approve the nomination.

Amendment No. 132: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the use of foreign credits owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year.

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the use of funds for commissions or other similar groups without specific statutory approval to receive financial support from one or more agencies.

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Postal Service to employ guards, police, and security personnel.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the use of funds to implement or enforce any regulation which has been disapproved by the Congress.

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which limits the amount of funds GSA can charge per square foot for space and services.

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which places limitations on prevailing wage rates.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the use of funds to reduce the number of Customs regions and district offices.

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which limits the amount of funds which can be used to redecorate offices of Presidential appointees.

Amendment No. 140: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which requires reports from certain executive branch agencies with respect to the detailing of employees.

Amendment No. 141: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which concerns nondisclosure agreements.

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the use of funds by any executive branch agency to purchase, construct, or lease facilities for the purpose of law enforcement training, except within or contiguous to existing locations.

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which concerns the procurement services by the Administrator of General Services for FTS 2000.

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which restricts the use of grants unless certain conditions are met.

Amendment No. 145: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits Federal agencies to use funds for interagency telecommunications services.

Amendment No. 146: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits agencies which participate in the Federal flexiplace project to use funds to install telephone lines in private residences.

Amendment No. 147: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits Federal agencies from using funds to hire Schedule C employees solely for the purpose of detailing these employees to the White House, with certain exceptions.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 627. Section 4521 of title 5, United States Code, is amended to read as follows:

"SEC. 4521. DEFINITION

"For the purpose of this subchapter, the term 'law enforcement officer' means—

"(1) a law enforcement officer within the meaning of section 8331(20) or section 8401(17) and to whom the provisions of chapter 51 apply;

"(2) a member of the United States Secret Service Uniformed Division;

"(3) a member of the United States Park Police;

"(4) a special agent in the Diplomatic Security Service;

"(5) a probation officer (referred to in section 3672 of title 18); and

"(6) a pretrial services officer (referred to in section 3153 of title 18).".

The managers on the part of the Senate will move to recede and concur in the amendment of the House to the amendment of the Senate.

This amendment makes a technical change to Title 5 of the United States Code by defining the term "law enforcement officers".

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the release of the government's reversionary interest in certain property in Charleston, South Carolina to the School District of Charleston county.

Amendment No. 150: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the release of the government's reversionary interest in certain property in San Francisco, CA, to New College of California.

The reversionary interests which are being transferred in this Amendment and in Amendment No. 149 are exceptions to the Federal Property Act. The conferees believe that exceptions to the long-established authority and procedures based on the Federal Property Act create policy and administrative difficulties, raise issues of fairness, and should be avoided in appropriations acts. The Chairman of the House Committee on Government Operations has informed the conferees that he agrees with the principle enunciated by the President when the President signed the National Defense Authorization Act for fiscal year 1991 on November 5, 1990. Stating his concern about specified property disposal that circumvents the Federal Property Act, he concluded that in general, effective and efficient management of these real property matters is best accomplished in accordance with that Act. The conferees agree that there is merit in this principle.

Amendment No. 151: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 630. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona, to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits the relocation of immigration judges from Phoenix, Arizona without the prior approval of the House and Senate Committees on Appropriations.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 631. Notwithstanding any other provision of law, sick leave provided by section 6307 of Title 5, United States Code, may be approved for purposes related to the adoption of a child in order to test the feasibility of this concept during fiscal year 1992.

SEC. 632. Notwithstanding any other provision of law, the Administrator of the Office of Federal Procurement Policy, for the purpose of clarifying the Federal Acquisition Regulation with respect to the definition of "construction materials" and the identification of "domestic construction materials," shall evaluate emergency life safety systems—such as emergency lighting, fire alarms, audio evacuation systems and the like—which are discrete systems incorporated into a public building or work and which are produced as a complete system, as a single and distinct construction material regardless of when or how the individual parts or components of such systems were delivered to the construction site.

The managers on the part of the Senate will move to concur in the amendment of the house to the amendment of the Senate.

Section 631 concerns the use of sick leave by Federal employees for adoption purposes. The conferees are continuing this general provision which permits federal employees to use sick leave, in limited amounts, for adoption purposes.

Section 632 clarifies a federal acquisition regulation with respect to the Buy America Act.

SMALL BUSINESS PENSION AUDIT PROGRAM

Not later than six months from the date of enactment of this Act, the General Accounting Office shall submit a report to the House and Senate Committees on Appropriations, together with appropriate language to implement any recommendations, which analyzes the impact of the Small Business Pension Audit (SBPA) program upon smaller businesses and the validity of the retirement age and interest rate assumptions being used in the current program. The report should also include recommendations on appropriate measures to eliminate any adverse effects of SBPA implementation on the expansion of pension plan opportunities for employees of smaller businesses. Further, the conferees expect GAO to specifically examine the impacts of the current SBPA program implementation approach on income levels, size of business, and the profit history of a company, relative to contributions, based on cases closed during fiscal years 1991 and 1992.

POSTAL SERVICE AIR TRANSPORT

Amendment No. 153: Deletes a provision proposed by the Senate. The conferees have not included language in the bill as proposed by the Senate regarding the Postal Service's expansion plans for its air transportation network. On September 23, 1991, the conferees received a written commitment from the Postmaster General stating that the United States Postal Service's management had rejected a task force report that recommended a substantial expansion of its dedicated air transportation network. The conferees respect this commitment and have agreed to drop the statutory language that required a report to Congress prior to such expansion. Should the Postal Service's plans again change, however, the Postal Service is expected to give Congress advance notice before the new plan is implemented.

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first section number named in said amendment, insert the following: *633*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have included a provision, approved by unanimous votes of both Houses, amending federal sentencing guidelines for child pornography offenses. Because of concerns raised by the Sentencing Commission as to the scope and potential impact of these provisions, the conferees direct that the Commission, in consultation with the U.S. Department of Justice, report to Congress within six months on the effect on the criminal justice system of the mandated changes in sentencing guidelines for child pornography offenses. The report shall include a comparison of sentences imposed under sentencing guidelines for child pornography offenses as amended by this legislation with sentences imposed under the guidelines before the amendments contained in this legislation take effect. The report shall also discuss sentences imposed for child pornography offenses where judges depart from the guidelines, compare the rates of departure that occur both before and after this amendment takes effect, and provide a statistical breakdown of the reasons given by judges for departing from the guidelines.

Amendment No. 155: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 634. Notwithstanding any other provision of law, each State Public Health Official shall, not later than one year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that guidelines issued by the Centers for Disease Control, or guidelines which are equivalent to those promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure prone invasive procedures, except for emergency situations when the patient's life or limb is in danger, have been instituted in the State. State guidelines shall apply to health professionals practicing within the State and shall be consistent with federal law. Compliance with such guidelines shall be the responsibility of the State Public Health Official. Said responsibilities shall include a process for determining what appropriate disciplinary or other actions shall be taken to ensure compliance. If such certification is not provided under this section within the one-year period, the State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided, except that the Secretary may extend the time period for a State, upon application of such State, that additional time is required for instituting said guidelines.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement requires that each State Public Health Official shall, not later than one year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that guidelines issued by the Centers for Disease Control, or guidelines which are equivalent to those promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure prone invasive procedures, except for emergency situations when the patient's life or limb is in danger, have been instituted in the State. Such guidelines shall apply to health professionals practicing within the State and shall be consistent with federal law. Compliance with such guidelines shall be the respnsibility of the State Public Health Official. Said responsibilities shall include a process for determining what appropriate disciplinary or other actions shall be taken to ensure compliance. If such certification is not provided under this section within the one-year period, the State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided, except that the Secretary may extend the time period for a State, upon application of such State, that additional time is required for instituting said guidelines. It shall be the responsibility of the Director of the Centers for Disease Control to determine whether guidelines other than those issued by the Centers for Disease Control are "equivalent" to those issued by the CDC.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

New budget (obligational) authority, fiscal year 1991	$20,914,977,000
Budget estimates of new (obligational) authority, fiscal year 1992	19,522,037,000
House bill, fiscal year 1992	19,630,702,000
Senate bill, fiscal year 1992	19,883,543,750
Conference agreement, fiscal year 1992	19,882,355,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1992	−1,032,622,000
Budget estimates of new (obligational) authority, fiscal year 1992	+360,318,000
House bill, fiscal year 1992	+251,653,000
Senate bill, fiscal year 1992	−1,188,750

EDWARD R. ROYBAL,
STENY H. HOYER,
DAVID E. SKAGGS
(except for amendments No. 43 and No. 155),
NANCY PELOSI,
SIDNEY R. YATES,
JOSEPH D. EARLY,
JAMIE L. WHITTEN
(except for amendment No. 43),
FRANK R. WOLF,
JIM LIGHTFOOT,
HAROLD ROGERS,
JOE MCDADE,
Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
BOB KERREY,
ROBERT C. BYRD,
PETE V. DOMENICI
(except for amendments No. 24 and No. 31),
ALFONSE M. D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLEMENT (at the request of Mr. GEPHARDT) for today after 12:30 p.m. on account of official business.

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. RIDGE) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 30 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, on October 28, 29, 30, 31, and November 1.

Mr. MCEWEN, for 5 minutes, today.

Mr. IRELAND, for 60 minutes each day, today and on October 3.

Mr. DELAY, for 60 minutes each day, on October 8, 9, 10, 11, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and 31, and November 1.

Mr. LEACH, for 5 minutes, today.

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

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. ESPY, for 60 minutes each day, on October 15, 22, and 29, and for 5 minutes on November 5.

EXTENSION OF REMARKS

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

(Mr. IRELAND, following Mr. MCGRATH in the special order of the gentleman from Michigan [Mr. BROOMFIELD] today.)

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

Mr. BURTON of Indiana.
Mr. SCHULZE.
Mr. HORTON.
Mr. CAMP in two instances.
Mr. DUNCAN.
Mr. RITTER.
Mr. MILLER of Ohio.
Mr. MACHTLEY.
Mr. BEREUTER.
Mr. FISH.
Mr. RHODES.
Mr. ZIMMER.
Mr. SOLOMON.
Mr. CRANE.
Mr. GILMAN in two instances.

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

Mr. HAMILTON.
Mr. ROE in two instances.
Mr. PAYNE of Virginia.
Mr. KOSTMAYER.
Mr. ERDREICH.
Mr. MOODY.
Mr. FAZIO.
Mr. TOWNS.
Mr. JACOBS.
Mr. LEVIN of Michigan.
Mr. DOWNEY.
Mr. DELUGO.
Mr. MAVROULES.
Mr. EDWARDS of California.
Mr. LEVINE of California.
Mr. VISCLOSKY.
Mr. KANJORSKI.
Mr. ESPY.
Mr. LAROCCO.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 131. Joint resolution designating October 1991 as "National Down's Syndrome Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 208. Joint resolution to designate October 15, 1991, as "Up With People Day"; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2935. An act to designate the building located at 6600 Lorain Avenue in Cleveland, OH, as the "Patrick J. Patton United States Post Office Building."

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 78. Joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month."

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, October 3, 1991, at 10 a.m.

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. ROYBAL: Committee of Conference. Conference report on H.R. 2622 (Rept. 102-234). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X, the following action was taken by the Speaker:

H.R. 1688. The Committee on Public Works and Transportation discharged from further consideration of H.R. 1688. H.R. 1688 referred to the Committee of the Whole House on the State of the Union. Ordered to be printed.

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. SMITH of Texas:

H.R. 3466. A bill to amend the Immigration and Nationality Act to require the registration of convicted aliens released on parole and to limit the number of times an alien may be provided voluntary departure; to the Committee on the Judiciary.

By Mr. MAVROULES:

H.R. 3467. A bill to amend the procurement integrity provisions of the Office of Federal Procurement Policy Act; jointly, to the Committees on Government Operations, Armed Services, Energy and Commerce, and the Judiciary.

By Mr. ALLARD:

H.R. 3468. A bill to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. CRANE:

H.R. 3469. A bill to suspend temporarily the duty on 2,6-Difluorobenzonitrile; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself and Mr. REGULA):

H.R. 3470. A bill to enhance America's global competitiveness by fostering a high skills, high quality, high performance work force, and for other purposes; jointly, to the Committees on Education and Labor, the Judiciary, and Ways and Means.

By Mr. IRELAND:

H.R. 3471. A bill to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing microenterprises by providing loans and technical assistance through intermediaries, and for other purposes; jointly, to the Committees on Small Business, Ways and Means, Education and Labor, Agriculture, and Banking, Finance and Urban Affairs.

By Mr. LEACH:

H.R. 3472. A bill to require the President to enter into negotiations to phase out the use of governmental credits for financing the export of defense articles and services; to the Committee on Foreign Affairs.

By Mr. MOODY (for himself, Mr. KOSTMAYER, Mr. MCDERMOTT, Mr. STUDDS, Mr. ROYBAL, Mr. COYNE, Mr. DONNELLY, Mr. LEVIN of Michigan, Mr. BEVILL, Mr. REED, Mr. FRANK of Massachusetts, Mr. SABO, Ms. PELOSI, Mr. FASCELL, Mr. GUARINI, Mr. HORTON, Mr. MANTON, Mr. BILBRAY, Mr. SYNAR, Mr. OBERSTAR, Ms. OAKAR, Mr. JONTZ, Mr. AUCOIN, Mr. TOWNS, Mrs. LLOYD, Mr. DIXON, Mr. EVANS, Mr. KANJORSKI, Mr. ACKERMAN, Mr. KILDEE, Mr. OWENS of Utah, Mr. BRYANT, Mr. MCCANDLESS, Mr. TANNER, Mr. BORSKI, Mr. MFUME, and Mr. HALL of Ohio):

H.R. 3473. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to include a description of the medical assistance for Medicare cost-sharing available under title XIX of such act in the annual program notices sent to Medicare beneficiaries, to amend title XIX of such act to require States to make applications for such assistance available at local offices of the Social Security Administration and to accept such applications by mail, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MICHEL (for himself, Mr. GINGRICH, Mr. WOLF, Mrs. VUCANOVICH, and Mr. RHODES):

H.R. 3474. A bill to authorize appropriations for construction of Federal-aid highways in accordance with title 23, United States Code, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. MORELLA:

H.R. 3475. A bill to assist business in providing women with opportunities in apprenticeship and nontraditional occupations; to the Committee on Education and Labor.

H.R. 3476. A bill to establish the Commission on the Advancement of Women in the

Science and Engineering Work Forces; to the Committee on Education and Labor.

By Mr. OLIN (for himself, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. WOLF, Mr. SISISKY, Mr. BOUCHER, Mr. BLILEY, Mr. JOHNSON of South Dakota, Mrs. LLOYD, Mr. TRAFICANT, Ms. KAPTUR, Mr. MORAN, Mr. WALSH, Mr. DEFAZIO, Mr. SLAUGHTER of Virginia, Mr. CAMP, Mr. MACHTLEY, Mr. MURPHY, Mr. BATEMAN, Mr. MARTIN, Mr. JONTZ, Mr. MATSUI, Mr. REGULA, Ms. LONG, Mr. RAY, Ms. SNOWE, Mr. BROOMFIELD, Mr. SWIFT, Mr. HENRY, Mrs. ROUKEMA, Mr. SABO, and Mr. DWYER of New Jersey):

H.R. 3477. A bill to amend the Federal Water Pollution Control Act to establish a program to regulate combined sewer overflows, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. RHODES:

H.R. 3478. A bill to increase working Americans access to health care and affordable health insurance; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. RHODES (for himself and Mr. KOLBE):

H.R. 3479. A bill to amend the act entitled "An Act to Provide for the Extension of Certain Federal Benefits, Services, and Assistance to the Pascua Yaqui Indians of Arizona, and for other purposes"; to the Committee on Interior and Insular Affairs.

By Mr. SCHULZE:

H.R. 3480. A bill to abolish the Resolution Trust Corporation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H.R. 3481. A bill to amend the Internal Revenue Code of 1986 to allow health insurance premiums to be fully deductible to the extent not in excess of $3,000; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 3482. A bill to encourage nonroad transportation modes to convert from the use of imported fuels like diesel oil to cleaner burning domestic alternative fuels, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HORN:

H.J. Res. 340. Joint resolution to designate October 19 through October 27, 1991 as "National Red Ribbon Week for a Drug-Free America"; to the Committee on Post Office and Civil Service.

By Mr. LEACH:

H.J. Res. 341. Joint resolution to provide for the contribution by the United States, the Soviet Union, and other states of nuclear material recovered from warhead under arms control treaties for use for peaceful nuclear programs under auspices of the International Atomic Energy Agency, particularly to benefit developing states which are parties to the Treaty on the Non-Proliferation of Nuclear Weapons; to the Committee on Foreign Affairs.

By Mr. DANNEMEYER:

H. Con. Res. 213. Concurrent resolution to provide the Soviet Union and its constituent republics economic incentives for the dismantlement of nuclear forces; to the Committee on Foreign Affairs.

By Mr. DYMALLY (for himself and Mr. PAYNE of New Jersey):

H. Con. Res. 241. Concurrent resolution expressing the sense of the Congress with respect to the implementation of the United Nations peace plan for the Western Sahara; to the Committee on Foreign Affairs.

By Mr. MINETA (for himself, Mr. AUCOIN, Mr. FUSTER, and Mr. HORTON):

H. Con. Res. 215. Concurrent resolution expressing the sense of the Congress relating to paid leave for working parents for the purpose of attending parent-teacher conferences; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. BROOMFIELD, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. WOLPE, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. TORRICELLI, Mr. BERMAN, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. ACKERMAN, Mr. FUSTER, Mr. OWENS of Utah, Mr. JOHNSTON of Florida, Mr. FALEOMAVAEGA, Mr. MURPHY, Mr. KOSTMAYER, Mr. FOGLIETTA, Mr. MCCLOSKEY, Mr. SAWYER, Mr. PAYNE of New Jersey, Mr. ORTON, Mr. RANGEL, Mr. DIXON, Mr. TOWNS, Mr. CLAY, Mrs. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. ESPY, Mr. FLAKE, Mr. FORD of Tennessee, Ms. NORTON, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. MFUME, Mr. OWENS of New York, Mr. SAVAGE, Mr. STOKES, Mr. HAYES of Illinois, Mr. WASHINGTON, Ms. WATERS, Mr. WHEAT, Mr. SMITH of Florida, Mr. COX of Illinois, Mr. OBERSTAR, Mr. LEHMAN of Florida, Mr. GILMAN, Mr. LAGOMARSINO, Ms. SNOWE, Mr. HYDE, Mr. SMITH of New Jersey, Mr. MILLER of Washington, Mr. HOUGHTON, Mr. GOSS, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. SHAW, Mr. MCCOLLUM, Mr. STEARNS, Mr. YOUNG of Florida, and Mr. FRANKS of Connecticut):

H. Res. 235. Resolution expressing the sense of the House of Representatives in support of democracy in Haiti; 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. 299: Mr. DORNAN of California.

H.R. 441: Mr. FOGLIETTA and Mr. SAWYER.

H.R. 609: Mr. SANDERS, Mr. CAMP, and Mr. PURSELL.

H.R. 661: Mr. CUNNINGHAM and Mr. TOWNS.

H.R. 710: Mr. CRANE and Mr. DYMALLY.

H.R. 780: Mr. LANCASTER.

H.R. 840: Mr. JONTZ, Mr. PICKLE, and Mr. WILSON.

H.R. 1048: Mr. HENRY and Mr. LAGOMARSINO.

H.R. 1092: Mr. SHAYS.

H.R. 1161: Mr. PERKINS.

H.R. 1237: Mr. MCMILLAN of North Carolina, Mr. MCCOLLUM, and Mr. SAXTON.

H.R. 1346: Mrs. COLLINS of Michigan.

H.R. 1395: Mr. HORTON, Mr. ENGEL, Mr. DELLUMS, Mr. SANTORUM, Mr. BUSTAMANTE, and Mr. LAGOMARSINO.

H.R. 1430: Mr. JONES of Georgia.

H.R. 1450: Mr. JONES of Georgia and Mr. TALLON.

H.R. 1622: Mr. OLIN.

H.R. 1652: Ms. KAPTUR.

H.R. 1790: Mr. COX of Illinois and Mr. RAMSTAD.

H.R. 2258: Mr. FALEOMAVAEGA, Mr. GRANDY, Mr. HOCHBRUECKNER, Mr. KOSTMAYER, and Mrs. PATTERSON.

H.R. 2309: Mr. DEFAZIO, Mrs. JOHNSON of Connecticut, Mr. PETERSON of Florida, and Mr. ROWLAND.

H.R. 2410: Mr. SENSENBRENNER, Mr. PETRI, Mr. ESPY, and Mr. SANDERS.

H.R. 2503: Mr. TALLON.

H.R. 2515: Mr. MFUME.

H.R. 2569: Mr. GRADISON.

H.R. 2579: Mr. MORRISON.

H.R. 2593: Mr. MACHTLEY.

H.R. 2641: Mr. SHAYS and Mr. PACKARD.

H.R. 2743: Mr. FROST, Ms. DELAURO, Mr. LANCASTER, Mr. WAXMAN, and Mr. SCHEUER.

H.R. 2744: Mr. FROST, Ms. DELAURO, Mr. WAXMAN, and Mr. SCHEUER.

H.R. 2768: Mr. SENSENBRENNER.

H.R. 2841: Mr. PANETTA.

H.R. 3015: Mr. LEWIS of Florida.

H.R. 3098: Mr. LANTOS and Mr. PAYNE of New Jersey.

H.R. 3142: Mr. RAVENEL, Mr. BARNARD, Ms. OAKAR, Mr. DEFAZIO, Mr. COX of California, and Mr. PICKETT.

H.R. 3153: Mr. KOLBE and Mr. SMITH of Texas.

H.R. 3176 Mr. TOWNS.

H.R. 3221: Mr. BAKER, Mr. ROBERTS, Mr. DORNAN of California, Mr. PETRI, Mr. RAVENEL, Mr. CAMP, Mr. INHOFE, Mr. SANTORUM, Mr. LEWIS of California, Mr. PICKETT, Mr. SKELTON, Mr. SCHIFF, Mr. WEBER, Mr. NEAL of North Carolina, Mr. TALLON, Mr. DOOLEY, Mr. MCCANDLESS, Mr. RITTER, and Mr. MILLER of Washington.

H.R. 3231: Mr. OBERSTAR and Mr. PETERSON of Minnesota.

H.R. 3236: Mr. MACHTLEY, Mr. JEFFERSON, AND Mr. DEFAZIO.

H.R. 3253: Mr. JONTZ, Mr. HERTEL, Mr. JONES of Georgia, Mr. EVANS, Mr. EDWARDS of California, Mr. ANDREWS of New Jersey, Mr. PETERSON of Minnesota, and Ms. PELOSI.

H.R. 3312: Mr. ANDREWS of Texas, Mr. DE LA GARZA, Mr. HAMMERSCHMIDT, Mr. HUTTO, Mr. LAUGHLIN, Mr. PERKINS, Ms. SNOWE, Mr. STEARNS, and Mr. WILLIAMS.

H.R. 3314: Mr. THOMAS of Wyoming, Mr. RAMSTAD, Mr. GOSS, Mr. GUARINI, Mr. SHAYS, Mrs. LOWEY of New York, Mr. WILSON, Mr. ANDREWS of Maine, Ms. PELOSI, Mr. FROST, Mr. CUNNINGHAM, Mr. HUTTO, Mr. WALSH, Mr. MAVROULES, and Mr. COX of California.

H.R. 3351: Mr. BLAZ.

H.R. 3353: Ms. PELOSI.

H.R. 3373: Mr. MURTHA, Mr. SCHEUER, Mr. RAVENEL, Mr. MOORHEAD, and Mr. BLILEY.

H.R. 3376: Mr. RIGGS, Mr. ALLARD, and Mr. EWING.

H.R. 3380: Mr. LENT, Mr. LEHMAN of California, Mr. CONDIT, and Mr. QUILLEN.

H.J. Res. 67: Mr. PETERSON of Minnesota.

H.J. Res. 83: Mr. NICHOLS and Mr. DOOLITTLE.

H.J. Res. 123: Mr. KLUG, Mr. WYDEN, Mr. MCHUGH, Mr. NATCHER, Mr. FIELDS, Mr. ABERCROMBIE, and Mr. RAHALL.

H.J. Res. 212: Mr. COX of Illinois, Mr. CLINGER, Mr. LEHMAN of Florida, Mr. TALLON, Mr. DEFAZIO, Mr. RANGEL, and Mr. COX of California.

H.J. Res. 230: Mr. SAVAGE, Mr. JONES of Georgia, Mr. CUNNINGHAM, Mr. OXLEY, Mr. SUNDQUIST, Mr. NEAL of North Carolina, Mrs. BOXER, Mr. LIVINGSTON, Mr. ASPIN, Mr. MCEWEN, Mr. HUBBARD, Ms. PELOSI, Mr. IRELAND, Mrs. VUCANOVICH, Mr. DUNCAN, Mr. YATES, Mr. SMITH of Iowa, Mr. MILLER of California, Mr. MOAKLEY, Mr. GIBBONS, Mr. SCHUMER, Mr. BILIRAKIS, Ms. OAKAR, Mr. DREIER of California, Mr. WYDEN, Mr. WAXMAN, Mr. BRYANT, Mr. WHEAT, Mr. MONTGOMERY, Mr. STENHOLM, Mr. DEFAZIO, Mr. KOPETSKI, Mr. MCMILLEN of Maryland, Mrs. COLLINS of Illinois, Mr. ROHRABACHER, Mr. DELAY, Mr. DE LA GARZA, Mr. TORRES, Mr. BERMAN, Mr. MCDADE, Mr. RITTER, Mr. HANSEN, Mr. FRANK of Massachusetts, Mrs.

LOWEY of New York, Mr. FORD of Tennessee, Mr. DELLUMS, Mr. MCDERMOTT, Mr. HOCHBRUECKNER, Mr. DIXON, Mr. HARRIS, Mr. WELDON, Mr. FIELDS, Mr. HUNTER, Mr. CLINGER, Mr. NOWAK, Mr. GONZALEZ, Mr. COOPER, Ms. SLAUGHTER of New York, Mr. WISE, Mr. MOLLOHAN, Mr. CHAPMAN, Mr. THOMAS of Georgia, Mr. COBLE, Mr. NICHOLS, Mr. YOUNG of Florida, Mr. VALENTINE, Mr. NATCHER, Mr. BURTON of Indiana, Mr. CHANDLER, Mr. RHODES, Mr. MURTHA, Mr. DARDEN, Mr. KASICH, Mr. WHITTEN, Mr. WILSON, Mr. RUSSO, Mr. SERRANO, Mr. GILLMOR, Mr. SWIFT, Mr. CARR, Mr. GEKAS, Mrs. LLOYD, Mr. MORAN, Mr. GORDON, Mr. TOWNS, Mr. KENNEDY, Mr. FALEOMAVAEGA, and Mr. SARPALIUS.

H.J. Res. 284: Mr. SOLOMON, Mr. BROOKS, Mr. JEFFERSON, Mr. CAMP, Mr. DIXON, Mr. DICKINSON, Mr. PETERSON of Florida, Mr. MAZZOLI, Mr. MCCOLLUM, Mr. MCGRATH, Mr. FISH, Mr. NAGLE, Mrs. MEYERS of Kansas, Mr. HALL of Texas, Mr. BATEMAN, Mr. CRAMER, Mr. KENNEDY, Mr. LAGOMARSINO, and Mr. JACOBS.

H. Con. Res. 81: Mr. LANCASTER.

H. Con. Res. 88: Mr. BORSKI.

H. Con. Res. 145: Mrs. BOXER and Mr. ATKINS.

H. Con. Res. 188: Mr. FRANK of Massachusetts, Mr. HYDE, Mr. MATSUI, Mr. PAXON, Mr. DELLUMS, Mr. DEFAZIO, Mr. MCNULTY, Mr. BACCHUS, Mr. SKAGGS, Mr. YATES, Mr. BILBRAY, Mr. CARDIN, Mr. ABERCROMBIE, and Mr. CONDIT.

H. Con. Res. 205: Mr. GALLEGLY and Mr. LAFALCE.

H. Con. Res. 208: Mr. TRAFICANT, Mr. HUBBARD, Mr. ACKERMAN, Mr. ATKINS, Mr. SPRATT, Mrs. PATTERSON, Mr. SANGMEISTER, Mr. FORD of Tennessee, Mr. TOWNS, Mrs. LLOYD, Mr. MRAZEK, Mr. DOWNEY, Mr. SENSENBRENNER, Mr. HORTON, Mr. MCMILLEN of Maryland, Mr. LUKEN, Mr. TALLON, Mr. TANNER, Mr. POSHARD, Mrs. UNSOELD, Mr. HASTERT, Mr. HUGHES, and Mr. PERKINS.

H. Con. Res. 211: Mr. DWYER of New Jersey, Mr. KOLTER, Mr. GEJDENSON, and Mr. SWIFT.

H. Res. 140: Mr. REED, Mr. SMITH of New Jersey, and Mr. JONTZ.

H. Res. 173: Mr. THOMAS of Wyoming.

H. Res. 224: Mr. AUCOIN, Mr. VALENTINE, Mr. RHODES, Mr. LIVINGSTON, and Mrs. LLOYD.

H. Res. 234: Mr. LEWIS of Florida, Mrs. MEYERS of Kansas, Mr. SANTORUM, Mr. WALSH, Mr. APPLEGATE, Mr. GALLEGLY, and Mr. SOLOMON.

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.J. Res. 230: Mr. MCMILLAN of North Carolina.

AMENDMENTS

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

H.R. 3039

By Mr. TRAFICANT:

—After Sec. 304(f)(3), insert the following:

Any individual involved in the operation and/or oversight of this fund shall submit to the Secretary of Defense and the Secretary of Commerce annually during such individual's tenure in such positions—

(1) a statement disclosing personal income and finances which shall be consistent with federal financial disclosure laws relating to federal employees, and;

(2) a statement certifying that no conflict of interest exists with the position occupied by such individual and describing any circumstances that may reasonably be perceived as a conflict of interest, which shall be consistent with federal laws relating to conflict of interest.

—After Title I, Sec. 108(a), insert the following:

In awarding authorized contracts under this Act, the President shall provide a strong preference for those small businesses located in areas of high unemployment and/or areas that demonstrate a continuing pattern of economic decline as identified by the Secretary of Labor.

—Insert the following new section at the end of the bill:

SEC. . BUY AMERICAN PROVISIONS.

(A) The Secretary shall insure that the requirements of the Buy American Act of 1933 as amended apply to all procurements made under this Act.

(B) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract made with funds authorized under this title pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

EXTENSIONS OF REMARKS

JEFFERSON COUNTY SOUNDS OFF IN CONGRESSIONAL QUESTIONNAIRE

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. ERDREICH. Mr. Speaker, nearly 9,000 residents of Jefferson County, AL have responded to my 1991 questionnaire, and I urge my colleagues to listen closely to their sound advice. The opinions of the people serve as a gauge as I go about the task of representing the Sixth District, and I think the entire Congress would be well-served to take notice of the results of the questionnaire.

Reducing the deficit was the most important issue to nearly one-third, or 32 percent of those surveyed. Protecting American jobs from foreign competition was next, with 18 percent, followed closely by improving education with 16 percent.

Fifty-three percent said we should spend less on defense and national security, while 75 percent said we should spend more on education and 70 percent said we should increase spending for long-term health care for the elderly.

An overwhelming 82 percent of those surveyed support a Medicare plan that calls for a higher monthly Medicare premium for senior citizens making more than $125,000 a year.

My constituents were almost evenly split over whether the United States should play a peacekeeping role in the Persian Gulf, with 49 percent responding "yes" and 47 percent responding "no."

More than half—64 percent—said they would favor strengthening environmental protection laws even if it means additional costs to consumers, and 72 percent said they would favor trade restrictions on foreign imports even if it means higher consumer prices.

When asked about family medical leave, 62 percent favored a plan that would allow a specified amount of unpaid leave from work for family emergencies, and guarantee the same job upon return.

I thank the nearly 9,000 from Jefferson County who took the time to fill out the questionnaire.

Following are the questions included in my 1991 questionnaire, and the response percentages:

CONGRESSMAN BEN ERDREICH'S RESULTS OF 1991 CONGRESSIONAL QUESTIONNAIRE

	Percent	Number
1. Congress and the Administration face a broad range of issues in 1991. Rank the following in order of importance to you, with "1" being most important, and "8" being least important:		
a. Protect American jobs from unfair foreign competition	18	1,573
b. Strengthen programs that help families	9	807
c. Improve protection of the environment	10	841

CONGRESSMAN BEN ERDREICH'S RESULTS OF 1991 CONGRESSIONAL QUESTIONNAIRE—Continued

	Percent	Number
d. Reduce the deficit	32	2,760
e. Encourage and expand economic growth	11	966
f. Enhance the quality of education and training	16	1,343
g. Strengthen anti-drug and crime enforcement efforts	11	988
h. Provide access to health care for the elderly	13	1,100
2. Do you favor strengthening environmental protection laws even if it means additional costs to consumers?		
a. Yes	64	5,468
b. No	34	2,910
3. President Bush has submitted a recent budget plan which, among other things, calls for a higher monthly Medicare premium for Medicare beneficiaries who make more than $125,000 a year. Do you support this Medicare proposal?		
a. Yes	82	7,067
b. No	16	1,344
4. Do you favor a family medical leave plan which would allow a specific amount of unpaid leave from work for family emergencies, and guarantee the same job upon return?		
a. Yes	62	5,354
b. No	35	3,005
5. Do you favor adopting policies to limit the imports or impose tariffs on countries that compete unfairly with U.S. goods, even if it means higher consumer prices?		
a. Yes	72	6,167
b. No	25	2,170
6. Do you think U.S. troops should continue to play a peacekeeping role in the Middle East?		
a. Yes	49	4,239
b. No	47	4,031
7. Do you favor a proposal to allow drilling for oil in the Arctic Wildlife Refuge to reduce America's dependency on foreign oil?		
a. Yes	55	4,710
b. No	42	3,641
8. One proposal for campaign reform is to have taxpayer financing of federal political campaigns. Do you favor this proposal?		
a. Yes	20	1,749
b. No	74	6,370
9. Considering the many national needs and the Federal Government's many limited resources, should spending for the following programs be more?		
a. Cleaning up the environment	60	5,134
b. Nutritional programs for mothers and infants	41	3,515
c. The war on drugs	65	5,604
d. Education	75	6,474
e. Defense/National Security	39	3,326
f. Health care for the uninsured	55	4,687
g. Long term health care for the elderly	70	6,000

Note.—Total response percentages on some questions do not equal 100 percent because all respondents did not answer all questions.

BERNARD J. HENDRZAK NAMED "MAN OF THE YEAR"

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. KANJORSKI. Mr. Speaker, on October 4, 1991, District Justice Bernard J. Hendrzak will be honored by the General Pulaski Memorial Committee of Luzerne County as their "Man of the Year."

I have known Bernie Hendrzak for many, many years. In fact, our offices were in the same building. I can think of no one more fitting of this honor than my good friend. He is devoted and dedicated to both his community and his family.

Bernard Hendrzak graduated with a law degree from Temple University and has been practicing law since 1959. He has served as an assistant district attorney for Luzerne County and has been admitted to practice before the court of common pleas of Luzerne County and all appellate courts in the Commonwealth of Pennsylvania. He also served his community as assistant solicitor of Luzerne County and various municipalities.

In 1981, he was elected district justice and won reelection handily in 1987.

In addition to his work on the bench, District Justice Hendrzak has been active in the Knights of Columbus, the International Lions Club, the Polish Union of the United States of North America, and he has served as president of the General Pulaski Memorial Committee of Luzerne County, of which he has been a member since 1959.

Mr. Speaker, I am sure that Bernie Hendrzak is "Man of the Year" every year to his wife, Helene, and his four children.

Again, let me congratulate District Justice Hendrzak on his being honored as "Man of the Year." His good works and commitment to our community are an example to us all.

TRIBUTE TO ALFRED G. (BOB) SCHAAR

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the induction of a fine individual into the State of Michigan Polka Music Hall of Fame. The contributions he made to music in Michigan will not soon be forgotten.

Mr. Alfred Schaar, known as Bob to his friends, was born in Owosso, MI on March 30, 1894. The youngest of 10 children in his family, Bob's musical career started at an early age with the piano. After becoming a rather accomplished pianist, Mr. Schaar learned to play the tuba at age 16 in order to join the Owosso Westside Band. The band quickly became one of the best bands in the State winning many statewide competitions.

On June 28, 1916, Mr. Schaar married Thelma L. Turner. A fellow musician, Thelma was a natural partner for Bob. They were the parents of four children, two boys and two girls. The family was very musically inclined, spending many evenings together singing songs.

Mr. Schaar enjoyed playing all types of music, from classical and band to popular and jazz, but he especially enjoyed polkas and waltzes. A favorite quote of his was that "music was to be played and enjoyed."

For over a quarter of a century Bob Schaar played with many top bands and orchestras. In 1948 he finally formed his own band, Bob Scharr and the Michigan Polka Jacks. His orchestra became one of the most popular in the postwar era, sometimes playing to crowds of over 1,000 people, and broadcasting each

Sunday over the radio station WOAP in Owosso, MI.

Bob Schaar and the Michigan Polka Jacks were featured in Billboard magazine and were offered numerous recording and performance contracts. The group turned down the contracts because of their strong family and home ties. They continued to play locally until the mid-1950's when they decided to retire because the time commitments were just becoming too much.

That was the need of a career, spanning nearly 40 years, as one of the finest tuba players in the business. Bob Schaar never played for fame and fortune, he played for the excitement and joy of the crowd.

Mr. Schaar died on March 4, 1974, just before his 80th birthday.

Bob Schaar truly dedicated his life to music and all the joys it could bring. Mr. Speaker, I know that you will join with me in commending this outstanding individual for the service he provided to music enthusiasts everywhere.

SENIORS DESERVE TO KNOW—THE QUALIFIED MEDICARE BENEFICIARY ENROLLMENT IMPROVEMENT AND PROTECTION ACT OF 1991

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. KOSTMAYER. Mr. Speaker, in 1988, as part of the Catastrophic Coverage Act, Congress passed a very important program to assist low-income senior citizens pay their Medicare bills. In fact, we felt so strongly about this program, that when we repealed the Catastrophic Coverage Act, this was one of the very few provisions which was retained. Unfortunately, neither the administration nor the States felt this program important enough to provide information to the beneficiaries about it.

In order to inform needy senior citizens of the Qualified Medicare Beneficiaries [QMB-"quimby"] Program, I, along with my colleague from Wisconsin, Mr. MOODY, am introducing the Qualified Medicare Beneficiary Enrollment Improvement and Protection Act of 1991.

More than half of the estimated 4.2 million individuals who are eligible for this program have not applied for benefits. Most of these individuals probably have never heard of this program. They are senior Americans who earn less than $7,000 a year as an individual or less than $9,000 as a couple. Many are spending up to one-sixth of their income on Medicare; others are forgoing health insurance altogether.

The QMB Program assists these seniors by allowing Medicaid to pay their Medicare premiums, copayments and deductibles. This program is essential for Medicare recipients who earn to much to qualify for Medicaid, yet are unable to pay their Medicare out-of-pocket expenses. In the last decade, Medicare out-of-pocket costs have risen 216 percent. An individual who is hospitalized once in 1991 is liable for at least $1,086.80, not including Medicare copayments and services not covered by Medicare.

This program is currently available only through local assistance offices. Most of those eligible have never received any form of public assistance and have no other way of hearing about or applying for this program. This legislation requires that clear information and a preliminary application be included in the Medicare annual notice. It also requires the Department of Health and Human Services to develop a poster to be distributed to health care providers and community groups and to develop a toll-free hotline. Social Security offices will be required to provide information and applications for this program. A grant program will be established to assist States and nongovernmental entities in informing seniors and assisting them with the applications. Finally, for those seniors, who through no fault of their own, did not know about this program, they may be retroactively covered for up to 3 months.

Mr. Speaker, this legislation does not create any new programs. It simply requires that senior Americans be informed of a program we have promised and guaranteed them.

QMB is a good benefit. It is an important benefit. It should not be a secret benefit.

EMPLOYEES OF RELIGIOUS ORGANIZATIONS TO OPT OUT OF SOCIAL SECURITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. CRANE. Mr. Speaker, I have introduced legislation, H.R. 314, to correct a problem created by the 1983 Social Security Amendments which resulted in the Federal Government's intrusion into the ability of religious organizations to carry out their ministries. My legislation will allow employees of religious organizations to opt out of the Social Security system.

When the Social Security system was created, religious organizations and their employees were exempt from having to pay the Social Security [FICA] tax. In 1951, religious organizations were brought into the system on a voluntary basis. The 1983 Social Security amendments mandated that all employees be covered. Prior to the 1983 amendments, Congress realized that failure to grant such an exemption would jeopardize religious freedom. A 1946 report to the House Ways and Means Committee by the committee's Social Security technical staff declared that these groups were exempt from taxation because their representatives "feared endangering their freedom from taxation and the separation of church and state; they feared extension of Government influence on religious * * * policies."

However, the Social Security Amendments of 1983 brought the employees of all nonprofit, 501(c)(3), organizations—including church employees—into the system. After passage of these amendments, a public outcry arose because Congress considered all categories of nonprofit groups together and had failed to address the special first amendment concerns raised by mandatory coverage of religious groups. In the Deficit Reduction Act of 1984 [DEFRA], Congress attempted to correct the problem by allowing religious organizations to elect out of the system. Unfortunately, this modification did not solve the problem because the employees of the religious organizations that chose to opt out of the system were then treated as self-employed, and thus liable for the full share of the 15.3-percent FICA tax.

The provision hits employees of many church schools especially hard. Since many State school employees are currently exempt from FICA taxes, the FICA tax burden on church school employees makes it difficult for churches to pay salaries competitive with public schools. In addition, present law interferes with the strongly held religious conviction of some churches that they should provide for the retirement of their employees. For those religious schools which hold such beliefs, there is a double burden because they must pay salaries to their employees which reflect the heavy 15.3-percent FICA tax.

I ask my colleagues to recognize that at the heart of this issue lies the constitutional command that the Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. My legislation will allow church employees the freedom of choice they deserve. I urge my colleagues to join me in support of this piece of legislation.

INTRODUCTION OF THE HEALTH ACCESS FOR WORKING AMERICANS ACT

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. RHODES. Mr. Speaker, today I am introducing the second of my health care reform initiatives, the Health Access for Working Americans Act.

This legislation would provide guaranteed access to no frills, basic health insurance coverage for tens of millions of working Americans. They work for small businesses which cannot now afford to self-insure their employees or to purchase expensive "Cadillac" health insurance policies mandated by most States. This group of uninsured working Americans is in the greatest need and should be the focus of our efforts to reform the health care delivery system in America.

Mr. Speaker, my legislation has four basic essentials—

Guaranteed health insurance access;

No burdensome taxes on small business;

Cost containment requirements; and

Requirements for reinsurance mechanisms.

There are many small-market health care reform proposals being discussed in this Congress. As a member of the Republican Health Care Task Force, mine is an effort to contribute to those discussions. I want to provide an equitable opportunity for small businesses and their employees to have access to affordable medical insurance—"MedEquity." This critical area of health care reform is probably our best hope to benefit a large segment of low and middle income American workers, their families and children, who are in need of fundamental health insurance protections. I urge

my colleagues and the appropriate committees to focus on and act on this critical issue, this Congress.

In Arizona, there are 500,000 uninsured people, according to a 1990 Flinn Foundation report. Of that number, nearly 290,000 have jobs or are dependents of uninsured workers. More than 58 percent of those working uninsured are employed by firms with fewer than 10 employees. Small business should not be forced to pay higher premiums for health insurance coverage for their employees than do large businesses. This legislation seeks to address the cost and availability issues and bring these workers and their families under a protective health insurance umbrella.

Nationwide, approximately two-thirds of the estimated 34 million nonelderly uninsured are working Americans, and 85 percent of them earn less than $40,000 a year. Ten million are children, according to the Employees Benefit Research Institute [EBRI]. These are middle class Americans who need our help for them to provide basic health insurance coverage for themselves and their families.

The Arizona Legislature, under the leadership of State Representatives Karen Mills and Dave McCarroll, this year adopted a voluntary basic health benefits law that goes a long way toward addressing this situation in Arizona. The health insurers themselves, working through the Health Insurance Association of America [HIAA], have forged a small-market reform plan. The health care regulators from each State, working through their National Association of Insurance Commissioners [NAIC], plan to finalize later this year, a small-market insurance model that could be used by all States. My legislation envisions that NAIC will in fact be the catalyst to providing model recommendations to the States. Finally, 18 individual States have so far enacted some form of small market basic health insurance requirements for insurers in their States. Several others are in the process of doing so.

The States have had and should have the primary regulatory role regarding insurance coverage. However, it seems to me the Federal Government can and should provide some prodding to bring more consistency and timeliness to basic health insurance coverage being made available to small business employers and employees across the country.

If the States fail to act, then it seems to me in this instance of crucial national significance, the Federal Government should step in and mandate what I call "MedEquity" basic health insurance coverage minimum requirements in those States. This bill encourages States to act in a timely fashion, so the Federal Government does not have to.

The failure of the health insurance industry to adequately cover working Americans does not represent, as some have attempted to portray, a total breakdown of our health care system. Our health care delivery system has received mixed reviews from Americans. While our technology remains unquestionably premiere, limited access to that care, high costs, and a host of interrelated problems bog down our exemplary system. Today, our health care system is like a racehorse that has been hobbled. Some of my colleagues would have us shoot the horse and wait for a promised chimerical replacement. Working Americans would rather we just help unleash the horse, thereby helping them get access to the basic health care they desperately need. The National Federation of Independent Business [NFIB] has endorsed the core principles of removing mandated benefits and of cost containment, without further burdening small business with more taxes. Those are the principles on which my legislation is based. A copy of a letter from NFIB vice president of Federal Governmental relations, John Motley, is attached.

These are my proposals. I understand there are others and other approaches. My hope is the Congress will soon consider all the options and approaches that Members of the House of Representatives and the Senate have introduced, and develop a meaningful consensus to act on this important issue for millions of Americans. The crucial elements to me are that there be no new tax on small business, that access to basic health insurance coverage be guaranteed to small businesses and their employees, that there be real cost-containment requirements and reinsurance requirements.

The NFIB letter and a section-by-section analysis of the bill follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, September 20, 1991.

Hon. JOHN J. RHODES, III
Cannon House Office Building,
Washington, DC

DEAR CONGRESSMAN RHODES: On behalf of the over 500,000 members of the National Federation of Independent Business (NFIB), I want to congratulate you for taking an important first step toward addressing the inability of many Americans to obtain affordable health insurance.

Small business owners would like to provide the best possible health insurance for their employees. Unfortunately, they have been prevented from doing so by consistent double digit rates of inflation in health insurance costs. Without remedial steps taken to address the fundamental problems of cost and access, small business owners will continue to be unable to provide any health benefit.

Your bill, the "Health Access for Working Americans Act" recognizes that an incremental approach to changing the current health care system is the best approach. Small market insurance reform has been recognized by most observers of the health industry as a vital first step that would bring more individuals under the umbrella of health insurance coverage; we must then confront other issues affecting access.

The Rhodes bill incorporates several elements NFIB believes fundamental to any health care reform proposal including increased access and availability, greater tax equity in purchasing health insurance and cost containment provisions.

Small business owners hope your legislation will help form the basis for serious discussion of small market insurance reform to enhance access and affordability.

Sincerely,

JOHN J. MOTLEY III
Vice President,
Federal Governmental Relations.

SUMMARY OF WORKING AMERICANS ACCESS TO HEALTH CARE

TITLE I—INCREASE IN SMALL EMPLOYER ACCESS TO AFFORDABLE HEALTH INSURANCE

Sec. 101—Establishment and Enforcement of Standards for Small Employer Health Insurance Plans.

Requests the National Association of Insurance Commissioners (NAIC) to develop model regulations for small employer (3–50 employees) MedEquity plans.

Requires States to submit implementation enforcement reports of the standards established.

Authorizes the Secretary to direct any State that is not fulfilling responsibility in implementing and enforcing the availability of MedEquity plans, to correct the failure within 30 days.

Sec. 102—Preemption of State Benefits Mandates for Plans That Meet Consumer Protection Standards.

Preempts State mandated health benefit requirements, for the purposes of MedEquity plans.

Sec. 103—Requirement for Offering of Basic, Low Cost Plan (MedEquity Plan).

Requires insurance carriers which offer plans to small employers in a State, to make available to any small employer, a MedEquity plan. Guarantees every small employer, and every full-time employee and their dependents, a MedEquity policy. Requires cost-containment features for all MedEquity plans.

Sec. 104—Requirements Relating to Initial Writing of Policies.

Forbids insurance carriers from imposing a limitation or exclusion of benefit under a MedEquity plan for a condition that existed more than six months into the past, or twelve month into the future, from the date of effectiveness.

Limitations are placed on rating differences between different insured groups by more than 20%. Limitations are placed upon carriers transferring clients without their permission.

Requires full disclosure of rating rationale for MedEquity plans when plans are offered to small employers.

Sec. 105—Requirements Relating to Renewal.

Allows for the limitation of premium increases under the NAIC model regulations. Restricts carrier re-entry into the small employer health benefit market for 5 years if the insurance carrier leaves the small employee health benefit market.

Sec. 106—Establishment of Reinsurance Mechanisms for High Risk Individuals.

Request the NAIC to develop methods for reinsurance, to include a menu of at least six options. Requires States to establish and fund, two years after the enactment of the proposal, a reinsurance mechanism. Directs the Secretary to choose a reinsurance mechanism if one is not chosen by the state in appropriate timeframe.

Sec. 107—Registration of All Health Benefit Plans Required.

Allows State commissioners or superintendents of insurance to require the registration of employer health benefit plans, other laws notwithstanding, to provide the State official with enough information to carry out Sec. 106.

Sec. 108—Definitions.

TITLE II—EQUALIZATION OF TAX BENEFITS FOR SELF-EMPLOYED PERSONS UNDER CERTAIN PLANS

Sec. 201—Equalization of Tax Benefits for Self-Employed Persons Under Certain Plans.

Allowable deductions of self-employed persons are increased to 100% by 1996. No deduction shall be allowed for any plans that are not MedEquity equivalent plans. This provision shall take effect on December 31, 1991.

TITLE III—MANAGED CARE RIGHTS

Sec. 301—Managed Care Rights

Preempts any law that restricts the ability of a carrier to negotiate reimbursement rates for MedEquity plans.

Preempts any law that limits financial incentives that a health benefit plan may require a beneficiary to pay when a non-plan provider is used on a non-emergency basis for MedEquity plans. A variety of utilization review restrictions are preempted for the implementation of MedEquity plans.

TITLE IV—STUDY AND REPORT

Directs the Secretary to undertake a study on the impact of the implementation of MedEquity plans. The first report is due within two years of the implementation of this proposal.

THE REPUBLIC OF CHINA ON TAIWAN'S NATIONAL DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. CRANE. Mr. Speaker, on October 10 the Republic of China on Taiwan will observe its 80th anniversary of its founding by Dr. Sun Yat-sen in 1911. This year the Chinese on Taiwan will have a great deal to celebrate. The Government has announced a 6-year national development plan with an expenditure of $303 billion—hoping to make Taiwan one of the most desirable places on Earth for its citizens. I have no doubt that the new 6-year national development plan will be a success.

Taiwan is uniquely blessed with an excellent leadership team. Taiwan's President Lee Teng-hui, who was educated here in the United States, and Taiwan's other top leaders have vision and foresight. They fully understand the complex relationships underlying national development and economic growth. Their new 6-year plan will stimulate Taiwan's economy to such an extent that further economic expansion and prosperity will be ensured.

It is my hope that American companies will actively bid for some of the construction projects tied in with the 6-year national development plan, as it is Taiwan's policy to welcome United States participation. Joining and sharing in Taiwan's economic expansion is indeed an excellent way of celebrating the Republic of China's National Day.

TAIWAN REACHES OUT TO MAINLAND ON THE REPUBLIC OF CHINA'S 80TH ANNIVERSARY

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. ERDREICH. Mr. Speaker, the Republic of China on Taiwan will be celebrating its 80th anniversary on October 10, 1991. I wish to extend my sincere congratulations to President Lee Teng-hui of the Republic of China on Taiwan.

President Lee is a political leader of vision who has accomplished a great deal since becoming President on January 13, 1988. Among his many accomplishments, none inspires more admiration than the bold step he took in announcing an end to six decades of war with Chinese Communists on April 30, 1991. On May 1, 1991, Taiwan ended the 43-year "Period of Communist Rebellion" against the Chinese Communists—a milestone in Taiwan's Democratic reform process, representing President Lee's Dramatic efforts in building bridges to the mainland by easing political tensions.

President Lee wants to initiate a dialog with mainland authorities toward the possibility of reunification but, unfortunately, mainland China has shown little willingness to treat the Republic of China as an equal and has been working to hinder Taiwan's diplomatic efforts worldwide.

It is my hope that the Chinese authorities in Peking will soon see Taiwan as a good economic and political model to emulate and that both will be reunited as one country under the principles of free enterprise and democracy. Best wishes to the Republic of China.

TRIBUTE TO ST. MARY'S ASSUMPTION ROMAN CATHOLIC SLOVAK CHURCH OF PASSAIC, NJ, ON ITS 100TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. ROE. Mr. Speaker, it is with the deepest reverence and the greatest sense of pride that I rise today to pay tribute to an outstanding house of worship in my Eighth Congressional District of New Jersey which, for the past century, has been a spiritual focal point and a beacon of faith for countless numbers of worshipers in the greater northern New Jersey area.

I am speaking of St. Mary's Assumption Roman Catholic Slovak Church of Passaic, NJ, which is celebrating its 100th anniversary in 1991. This landmark occasion will be observed with a jubilee banquet on October 13, 1991, at the Wayne Manor in Wayne, NJ. I know this event will be a source of great pride to the entire congregation, and especially to this fine church's spiritual leader, Rev. Msgr. John J. Demkovich, pastor, and jubilee committee chairman, Peter J. Bakarich, Jr.

Mr. Speaker, as a means of providing you and our colleagues with the details of this important church, I would like to insert for the RECORD the official history of St. Mary's Assumption Roman Catholic Slovak Church:

As early as 1879, Passaic, NJ was a haven for Slovak pioneers who came to America. These Slovaks, most of them emigrating from the Austro-Hungarian Empire, had come from the Saris, Zemplin and Spis districts of the beautiful province of Slovakia. They left their homeland in search of freedom and a better life. For Slovaks, their churches have always been the center of their culture.

As a number of Slovak immigrants in Passaic increased, Msgr. John A. Sheppard, pastor of St. Nicholas Church in Passaic appealed to the Reverend Winand Michael Wigger, the bishop of Newark, to establish a Slovak parish in the community. On March 26, 1891 the request was granted and the Slavonian Catholic Church of the Assumption, commonly referred to as "St. Mary's," was incorporated.

In 1893 the cornerstone for the first church was laid. The present church of French Gothic architecture with seating capacity of 700 was dedicated in September 1902. Before the turn of the century, St. Mary's established a school for its young parishioners. With the number of students increasing, the Dominican Sisters from Newburgh, NY were asked to help with the teaching. The sisters came in 1902 and taught at the school until 1978.

As the mother parish for Slovaks in the area, St. Mary's has been the home of many societies and organizations which promoted the Slovak heritage and Catholic faith. These societies also gave assistance to their members in times of sickness and death.

While St. Mary's has undergone many changes over its 100 years, it holds steadfast to Slovak traditions handed down from generation to generation. With Msgr. John J. Demkovich as current pastor, St. Mary's serves parishioners from more than 20 communities.

The centennial celebration opened on April 21, 1991 with a mass celebrated by the Reverend Frank J. Rodimer, bishop of the dioceses of Paterson. The jubilee committee chairman is Peter J. Bakarich, Jr., with Charles Mihalik, and Alex Toskovich as co-chairmen. Other committee chairpersons are George Bobal and Lorraine Yurchak, dinner committee; Michael Hovastak and Alex Toskovich, dinner tickets and reservations; Jane Kutney and Doris Dolack, spiritual and special events; Patrick Carberry, remembrance book; Judith Hoy, youth events; and Scholastika Franta, Slovak heritage. The end of the jubilee year is on March 22, 1992 with a solemn mass of thanksgiving.

Mr. Speaker, I appreciate the opportunity to present a portion of the history of this distinguished church that has remained dedicated to helping others and guiding them spiritually. As St. Mary's Assumption Roman Catholic Slovak Church celebrates its 100th anniversary, I know that you and all of our colleagues here in Congress will want to join me in extending our warmest greetings and felicitations for both the service and guidance it has provided for its community, State and Nation.

EDITORIAL SHOWS PUBLIC IS ON TO PARTISANSHIP OF MAJORITY PARTY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. SOLOMON. Mr. Speaker, a week hardly goes by without proof that Democrats consistently prefer scoring political cheap shots to working with Republicans and the White House to secure viable solutions to our Nation's problems.

We've already seen the application of that fact on the issue of extending unemployment benefits. Now we see it's application on the issue of the President's crime package.

And, Mr. Speaker, I must warn you that the American people, your constituents and mine and those of every other Member, are no longer fooled. My hometown newspaper, the Glens Falls, NY, Post-Star, today published an editorial entitled "Partisan politics may kill crime bill."

The editorial states the obvious, that the Democrat leadership's last-minute introduction of its proposal is designed to undermine the President's package.

I am placing the editorial in today's RECORD. If you want an example of the growing public awareness of the partisan games being played in this House, I suggest you read it.

PARTISAN POLITICS MAY KILL CRIME BILL

In August, it appeared Congress was ready to approve President Bush's crime bill, which would greatly strengthen the hand of law enforcement. The measure had sailed through the Senate and prospects for passage looked good in the House. But those prospects have dimmed considerably now that Democratic leaders in the House appear determined to redefine the national debate on law and order.

An alternative bill introduced by House Majority Leader Richard Gephardt, D-Mo., and Rep. Charles Schumer, D-NY., would focus on rehabilitation programs. By contrast, Mr. Bush wants to streamline the justice system and make certain the punishment fits the crime. Both approaches have merit, but House Democrats have turned the debate into an either/or proposition aimed at killing the president's bill.

The Democratic alternative, endorsed by Speaker Thomas Foley, D-Wash., would mandate drug treatment for all federal prisoners by 1995 and would give $100 million to states to establish similar programs for their inmates. It also would earmark $300 million for cities or regions designated as drug emergency areas.

To fund these and other programs, the Democratic measure would siphon nearly $1 billion from the Senate-passed bill, which the president supports. In the Senate version, the money would be used to build more prisons and hire additional agents for the FBI, the Drug Enforcement Administration and other federal law enforcement agencies.

Why did Gephardt and Schumer introduce their bill at the 11th hour, just as the administration's comprehensive measure was picking up momentum? The best explanation appears to be partisan politics. Gephardt practically conceded as much when he held a press conference to denounce Mr. Bush's plan.

Nonetheless, nearly every major law enforcement group has lined up behind the White House proposal. These professionals believe the administration's bill would enable them to apprehend more criminals and keep them off the streets.

The Senate-approved measure, which incorporates Mr. Bush's proposals, would help curb violent crime. If the House is serious about making America's streets safer, it will not allow partisan politics to derail the president's crime package.

POLITICKING AGAINST THE BILL OF RIGHTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. EDWARDS of California. Mr. Speaker, very soon, this body will be considering an omnibus crime bill. I want to call to the attention of every Member this editorial from the New York Times on Monday, August 12, 1991. It illustrates the effect of politicking on the Bill of Rights. In our effort to make our streets safer, we must not take away the constitutional rights of our citizens. I urge you to protect the rights of all of our citizens and join me in preserving habeas corpus by voting for the provision reported by the House Judiciary Committee last week.

[From the New York Times, August 12, 1991]

THORNBURGH PUZZLE

(By Anthony Lewis)

ATLANTA.—As he leaves the office of Attorney General, Dick Thornburgh leaves behind a puzzle. Why has he used that great office to denigrate the rights of Americans?

It is an urgent question. This year is the 200th anniversary of our Bill of Rights, the first 10 amendments to the Constitution. But it is a hard time for constitutional rights. The public, stressed by crime, is impatient with the idea of rights for the accused.

The American Bar Association, meeting here in Atlanta, has heard much concern about the state of the Bill of Rights. Officers of that historically conservative organization have called for national leadership to make us understand again the importance of the freedoms that, as one put it, have "shaped the American character."

The Attorney General of the United States is in a unique position to provide that leadership. But instead, Dick Thornburgh treated constitutional rights with at best disregard, at worst demagogic politics.

For example, he carried on a determined campaign to destroy an important aspect of habeas corpus—the right of Federal courts, written into our law since the Civil War, to examine claims by state prisoners that their constitutional rights were violated.

When he was charged last year with trying to wipe out that function of the Federal courts, Mr. Thornburgh said the charge was "outlandish." But it was true then, and it is even more obviously true now. For last month the Senate approved an Administration bill that would have that effect.

The incoming president of the American Bar Association, Talbot D'Alemberte, said the Senate bill would "effectively eliminate habeas corpus Federal review." Writing in The Atlanta Journal and Constitution, Mr. D'Alemberte said the Thornburgh proposal, as passed by the Senate, "could dramatically alter he character of this country and make us all less free."

If there is any right that an Attorney General would surely be expected to support, it is the right to counsel. But a provision in the Thornburgh Senate bill says that court appointment of counsel for poor prisoners in habeas corpus cases, which is now mandatory, shall be discretionary. How small, how mean.

Now, Mr. Thornburgh is fighting a Federal judge's effort to prevent mob rule in Wichita, Kan., by the extremist anti-abortion group Operation Rescue.

The anti-abortion demonstrators have used force and threats to keep women from going to abortion clinics. Judge Patrick Kelly relied on an 1871 law that forbids conspiracies against the exercise of constitutional rights—in this instance the right of women to choose abortion—as the basis for enjoining further use of mob tactics.

The Supreme Court has agreed to consider next term the applicability of the 1871 law. The Justice Department will urge as a friend of the Court that it does not apply.

Attorney General Thornburgh said he intervened in the Wichita case just to make that argument. "We're not taking sides in this case," he said.

But there was no need to step into the tense Wichita situation in order to anticipate a Supreme Court argument. It was wholly gratuitous, and in the circumstances a shocking disregard of the Attorney General's duty to help Federal courts when they face defiance of the law.

Mr. Thornburgh said his intervention was merely in the interest of federalism, the proper balance of state and Federal power. That is a strange argument to come from him, after his failure to object to the most radical assault on federalism in years—the provision added to the Senate crime bill that turns all state crimes committed with guns into Federal crimes.

The real reason for Mr. Thornburgh's intervention in Kansas was evidently politics. And that is also the evident solution to the puzzle of Dick Thornburgh as Attorney General.

He was widely regarded as a moderate man, sensitive to human needs. But he is about to run for the Senate in Pennsylvania, and after that he would like to be President. And he thinks the way to win is to appeal to the extreme right.

Mr. Thornburgh was an assistant to Edward Levi, who as President Ford's Attorney General restored luster to that office after the Nixon years. Mr. Thornburgh had a similar opportunity after Edwin Meese. He chose another course.

COLUMBUS QUINCENTENARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. GUARINI. Mr. Speaker, as we approach the Columbus Quincentenary in this Nation and the world, it gives me a great deal of pleasure to welcome the mayor of Genoa, Romano Merlo, as he begins a brief visit to these United States.

Mayor Merlo is coming to Washington as a special guest for the 16th annual gala dinner of the National Italian American Foundation, scheduled for October 5 at the Washington Hilton. The NIAF dinner and the convention which begins tomorrow represents the unofficial kickoff for the Columbus Quincentenary.

Romano Merlo has been the mayor of Genoa for the past year after serving on three different occasions on the Genoa City Council. During one of his terms he held the office of city councilman for private building and the Genoa subway project and he is credited for the successful completion of the first portion of the local subway system in that beautiful city.

As the mayor of Genoa, Romano Merlo is the ex-official chairman of "Ente Columbo 92"

the Government of Italy's official agency for the implementation and management of the highly anticipated International Specialized Exposition "Genoa 1992" which will be based on the theme of Christopher Columbus: The Ship and the Sea. I look forward to visiting that exposition which will include a beautiful multifaceted pavilion of the United States.

I have the pleasure of serving as the chairman of the National Italian American Foundation's Christopher Columbus Quincentenary Program and in that capacity look forward to co-chairing a special quincentenary conference on Friday together with Frank J. Donatelli, the chairman of the Christopher Columbus Quincentenary Jubilee Commission. We both look forward to meeting Mayor Merlo while he is here. As the mayor of the city where Christopher Columbus was born, it is appropriate that we spotlight Genoa, its past and its bright future.

Ralph Waldo Emerson once wrote "every ship that comes to America got its chart from Columbus." We celebrate this courageous navigator and explorer from Genoa and view his quincentenary as an opportunity to promote improved dialogs between nations and peoples. It is my pleasure to welcome Mayor Romano Merlo to the United States and know his presence will add a great deal to the kickoff of the Columbus Quincentenary.

PEOPLE ARE NOT FOR HITTING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. JACOBS. Mr. Speaker, the following letter to Washington, DC Mayor Dixon from our fellow citizen, Adam Corman, is not only enormously sensible, but also enormously eloquent.

Mr. Corman has reflected the title of a volume published by the Menninger Clinic in Kansas, "People Are Not For Hitting."

The person who does violence to a child, teaches violence to a child.

DEAR MAYOR DIXON: Yesterday I read about your theory on paddling and think it is outrageous.

When my Dad was a kid, he had a friend who was very poor and came to school one day in tattered clothing. The principal got so angry that he whipped him with a hose 'till his pants fell off.

I respect the headmaster and my teachers at St. Patrick's. I would not respect them if they beat me or any of my friends.

I always thought that one of the great things about schools in this country was our new way of teaching without paddling. I know that 60% of the states in the United States allow paddling, but it is wrong. That was the 1920's way of controlling kids. Please do not take D.C. back to the 1920's!

Hopefully,

ADAM CORMAN,
Sixth Grade

TRIBUTE TO ST. JOHN'S LUTHERAN CHURCH OF PASSAIC, NJ, ON ITS 100TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. ROE. Mr. Speaker, it is with great pride that I rise today to observe an historic event in my Eighth Congressional District of New Jersey. This year marks the 100th anniversary of the St. John's Lutheran Church of Passaic, NJ, a vital force in the spiritual and civic fabric of Passaic, NJ, and its surrounding area.

Mr. Speaker, the fine people whose lives have been touched and strengthened by St. John's will celebrate this outstanding institution's century of service to its community with a gala dinner dance at the St. Russian Orthodox Cultural Center on October 19, 1991. This celebration also recognizes the success of St. John's Church's designation as an historical landmark by both the State of New Jersey and the Federal Government.

I know that along with celebrating St. John's Lutheran Church's 100th anniversary, this event will also be a tribute to Pastor Ulrich Keemss for the quality of his leadership and richness of his wisdom in his constant quest for the communion of people in faith and civic pride which is the greatest asset of a free society and the very foundation of the strength and vitality of America's heritage.

As this historic anniversary approaches, for the benefit of my colleagues, I would like to cite this history of the St. John's Lutheran Church in the RECORD.

Pursuing their dream of a church community in the tradition and language of their homeland, the "German Evangelical Lutheran Saint John's Church of Passaic City" was founded on October 14, 1891, by a small group of local Lutherans: Carl Froehlich, Wilhelm Brotze, Albert Hess, Math Matcher, Johann Sack, and Franz Werner.

Though dependent on financial help from other churches in its early years, the church became self-supporting in 1897, the year the 80 foot-high cathedral-style edifice as built and dedicated by Pastor Rudolph Haessner in a special ceremony. This began on the church steps at 10 a.m., with the congregation formally proceeding through the "great doors" into the sanctuary.

The terra cotta columns, spires and trims, exterior and interior, and the interior wall tiles were made in Germany, as well as the altar and baptismal font, pulpit and wrought iron work on the outside of the church door. The magnificient stained glass windows, 25 feet high and 9 feet wide, were designated by the studio of George Boos, Munich, Germany. The three massive, beautifully toned bells in the belfry weight 5,328 pounds.

Services were initially conducted in German, and in 1925, English services were added. The congregation supported a German school for children of the members and the community. The church has been served by faithful ministers over the years: Rev. Haessner, 1892–1903; Rev. Phillip Maas, 1903–1909; Rev. Paul E.T. Lemke, 1909–1942; Rev. William Otto Bruckner, 1943–1975; Pastor Keemss from 1971 to the present.

The Frauen-Verein, or Ladies Aid, formed in 1893, continued to flourish, and in 1932 the Dorcas Society came into existence as an English-speaking group for the younger women. The latter, which evolved into the Dorcas-Martha Circle, was later joined by the Rachel Circle and, more recently, the Sarah Circle. During World War I and II, the women kept in touch with members of the armed forces. A Sewing Circle did much work for the Red Cross.

In 1897, the first young people's group was organized, connected with the choir, and in later years, youth activities increased. During the 1960's, the very active Luther League enjoyed camping trips, dances, conferences, and service projects. The young people also attended retreats, assisted the Sunday Church School and provided ushers at services.

Today the Sunday School, open to children of members and non-members, holds classes from nursery to eighth grade. Bible study classes are available for adults. Retreats are sponsored periodically at Camp Beisler, and the children are encouraged to sponsor World Hunger projects, such as holding spaghetti dinners. The youngsters are also involved in sending contributions to the Queen Louise Home for Children in St. Croix, Virgin Islands.

In 1981, its 90th year, St. John's Lutheran Church was proud to be designated an Historical Landmark by both New Jersey and the Federal Government. St. John's magnificent sanctuary has always been open to all, as it stands as a beacon on the triangle of Lexington, Sherman and Hamilton Avenues, in Passaic.

When Pastor Keemss came to St. John Church in 1971, he continued the youth work, Confirmation studies, German and English services, improvement of the community and visiting shut-ins. Programs were begun with the involvement of the Mental Health Clinic in Passaic and Clifton and the ongoing development of an exciting ecumenical and community spirit in the United Passaic Organization.

Mr. Speaker, I appreciate this opportunity to present this history of this distinguished church that has dedicated its purpose to helping others and guiding them in their pathway of life. As St. John's Church celebrates its 100th anniversary, I know that you and all our colleagues here in Congress will want to join me in extending our warmest greetings and felicitations for the service and spiritual guidance it has provided for its community, State, Nation and indeed for all mankind.

THE JAPANESE GOVERNMENT SHOULD APOLOGIZE TO THE UNITED STATES FOR THE BOMBING OF PEARL HARBOR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. BURTON. Mr. Speaker, the following is a resolution adopted by the Board of the World War II National Commemorative Association, Inc., August 21, 1991. As the 50th anniversary of Pearl Harbor approaches it is important for all Americans to remember the ulti-

mate sacrifice made by 2,403 Americans who lost their lives on this tragic day. This resolution expresses the views of most World War II veterans that the Japanese Government should apologize to the United States for this bombing. I believe it merits inclusion in the CONGRESSIONAL RECORD.

RESOLUTION

Whereas, December 7, 1991, will be the 50th anniversary of the surprise attack on Pearl Harbor by the Japanese Empire; and

Whereas, December 7, 1991, was referred to by President Roosevelt in his address to Congress as a "date that will live in infamy;" and

Whereas, that attack caused the deaths of 2,403 unsuspecting American military personnel and civilians; and

Whereas, that bombing brought the United States into World War II, resulting in 292,131 American battle deaths and 671,278 wounded. Now therefore, be it hereby resolved that the World War II National Commemorative Association, Inc., calls upon:

Section 1. The Japanese government to apologize unequivocally to the American people for its unwarranted bombing of Pearl Harbor, and the subsequent harsh treatment it gave American P.O.W.s who were captured on Bataan, Corregidor, and other places in the Pacific during the war.

Section 2. Once this apology has been made, United States and Japanese World War II veterans and military historians will be encouraged to meet jointly at reunions and history symposiums during the anniversary years, 1991–1995, to share stories and promote historical research associated with the Pacific War.

Section 3. That the United States and Japanese governments will be further encouraged to hold a public ceremony aboard the USS MISSOURI in Tokyo Harbor, September 2, 1995, the 50th anniversary of the Japanese surrender, to sign an appropriate document, concentrating on the mutual respect the two nations have gained for each other through joint activities during the 50th anniversary of World War II.

INTRODUCTION OF H.R. 3457

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. KOSTMAYER. Mr. Speaker, yesterday I introduced legislation, H.R. 3457, to designate approximately 31 miles of the Delaware River as part of the Nation's Wild and Scenic Rivers System.

Mr. Speaker, this is not a new proposal at all, in fact, I first introduced this bill to protect portions of the Delaware River flowing through Bucks County, PA on January 25, 1983, almost 9 years ago.

However, due to the now concluded controversy over the construction of a pumping station on the Delaware in the village of Point Pleasant, further progress on the bill was stalled.

When the controversy over the project ended with a court ruling ordering its construction, I began again to think my bill might pass, but there was still opposition albeit much less.

I began to work with those who had concerns about the implications of the bill. We resolved many, but not all of those issues and so on September 10, 1991 the U.S. House of Representatives approved H.R. 3764, designating portions of the Delaware River as wild and scenic, but it became impossible to get it through the Senate and to the President's desk by adjournment.

The bill I introduced yesterday is virtually identical to last year's version, because I believe, as I did 9 years ago, that the natural, cultural, and historic resources of the river merit its protection from any further development. Furthermore, the bill enjoys widespread support.

My bill, Mr. Speaker, is part of a larger effort to restrict development along the Delaware River and to preserve and protect the still undeveloped countryside and farmland of rapidly growing southeastern Pennsylvania. The bill would authorize the Park Service to acquire undeveloped parcels of land along the Delaware, at fair market value, especially the unprotected islands in the river itself.

This is my second attempt, Mr. Speaker. To protect the Delaware. In 1978 I authored legislation designating 114 miles of the upper Delaware as part of the Federal Wild and Scenic Rivers System. Congress adopted my proposal and, in fact, resisted efforts on the floor to delete 41 miles of river from wild and scenic river protection. Thus the bill not only gave the Delaware protection, but blocked construction of the Tocks Island Dam on the upper Delaware.

This legislation, Mr. Speaker, also authorizes a wild and scenic river study of the Delaware between Washington Crossing and the northern Trenton city limits, and for three tributaries flowing into the Delaware, Cook's Creek, Tinicum Creek, and Tohickon Creek. The bill also provides for a river conservation study from Trenton to the Philadelphia boundary.

I hope we do not debate another 9 years the merits of protecting the Delaware. It is free-flowing, it has outstandingly remarkable values, and provides unique recreational resources for millions of Americans. Further delay of Federal protection for this river would be a serious mistake. Let us move forward to "save the Delaware," and preserve the countryside through which it flows.

TRIBUTE TO FRANK KISZKA

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. CAMP. Mr. Speaker, is is with great pleasure that I rise today to recognize the induction of a fine individual into the State of Michigan Polka Music Hall of Fame. The contributions he has made to music in Michigan will not soon be forgotten.

Mr. Frank Kiszka was born in Flint, MI on September 11, 1928. Mr. Kiszka grew up in Flint and graduated from Flint Northern High School in 1946. Two years later he joined the Navy where he served as a fire control technician aboard the U.S.S. *Columbus* naval ship. He served until 1952 when he was honorably discharged.

On November 7, 1953, he married Lilian Zalesak. They lived in Flint for the next 24 years. During that time they had three children: one son, Kelly, and two daughters, Janelle and Carolyn. In 1979 they moved to Flushing, MI where they have lived ever since.

Mr. Kiszka's interest in music began at an early age. At the age of 10 his parents bought him an accordion and he began taking lessons. By age 12 he was performing at weddings. The first band he played in was the Eight Aces, which later changed its name to the Bedrick Smeage Band.

He left the band in order to join the Navy, but upon his discharge he returned to play with the band for the next 19 years. During that time they made recordings for the RCA Co. Next Mr. Kiszka formed his own band, the Czech Notes, which he played in for 9 years before retiring.

Mr. Kiszka truly dedicated his life to music and all the joys it can bring. Mr. Speaker, I know you will join me in congratulating and commending this outstanding individual for the service he provided to the people of Michigan.

MYTH OF HEARTLESSNESS, A POOR FIT FOR AMERICA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. BEREUTER. Mr. Speaker, Americans are often told that we live in a country that lacks compassion. The following editorial from the September 26, 1991, edition of the Omaha World-Herald offers insight into this matter. I invite my colleagues' attention to this editorial entitled:

MYTH OF HEARTLESSNESS,
A POOR FIT FOR AMERICA

Hang on tight, America. An election year is coming. A tired old election-year theme has been dusted off and readied for a 1992 replay.

It is the theme of America, the Heartless. Variations on the theme are already cropping up in the rhetoric of the emerging campaign against George Bush. The public is being told that this is a land of selfishness and moral indifference and that it is all the fault of the White House.

Sure, the country has people who have trouble making ends meet. People who are unemployed or have trouble getting adequate medical care. People who struggle with poverty and deprivation.

But that doesn't mean that America lacks compassion. Nor does it signify that America has tilted against the low- and middle-income groups.

The fact is that things are better for Americans in general than has been the case during much of the country's history. That includes people who can't make it on their own, on whom the government is spending much, much more than it has ever spent before.

Poverty figures declined during the 1980s. Family income increased, in part because of the creation of more than 16 million jobs during the decade. Government spending to combat poverty reaches new heights almost every year. By one measurement, the government spends an annual average of more than $11,000 per low-income household in

welfare benefits, food stamps, public housing and Medicaid.

Private-sector giving rose during the 1980s, a decade that some people associated with greed. Americans not only shared their bounty with the poor, the sick and the underprivileged of this country but also contributed millions of dollars for starving Ethiopians, earthquake-stricken Armenians and homeless orphans of Latin America.

Poverty is still undeniably a problem. Some of the most intractable poverty is caused by something that the government can't control—the breakdown of the family. Single-parent families, often headed by females, are much more likely to fall below the poverty line than families with two parents. The more divorces and out-of-wedlock pregnancies, the greater the chance that another household will have trouble making it without help.

But even then, what passes for poverty in America bears little resemblance to poverty in most other parts of the world. Methods used for measuring poverty in the United States grossly overstate the situation, says Robert Rector, a policy analyst for the Heritage Foundation.

Rector analyzed government figures that he said support the conclusion that the average poor person in America has more living space, more to eat and a greater chance of owning a car than the average Western European. Not the average poor Western European. The average Western European.

Some people say the existence of "homelessness in a land of plenty" reflects a lack of compassion. How ironic. Compassion helped cause the problem. The ranks of the homeless grew after reformers in the 1970s persuaded the legislatures and courts to throw open the doors of the mental hospitals and drunk tanks without insisting on community-based alternatives.

As to the charge that widespread hunger exists in America, most such claims lose their credibility when the definition of "hunger" is examined. Some activists have defined "hunger" so broadly that it could apply to a middle-income family eating canned soup and peanut butter sandwiches the night before the breadwinner's payday.

Certainly the record of any president who wants to be re-elected should be looked at thoroughly. The loyal opposition in a two-party system has the responsibility as well as the opportunity to give the public a robust debate.

We hope it will be a robust debate and not another of those weepy campaigns in which one side tries to persuade the voters that the other side has led the nation down the path of heartlessness. Americans are too smart, and too compassionate, to go down that path.

IN TRIBUTE TO THE HONORABLE DONALD C. MACK

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. HORTON. Mr. Speaker, I rise today to pay tribute to an outstanding man and close personal friend, Supervisor Donald C. Mack of Penfield, NY on the occasion of his retirement from public office.

For over 20 years, Don Mack has served the residents of the Rochester and Monroe County area with dedication, loyalty, and an unfailing insight into the needs of the people. His public administration began as deputy budget director and then budget director for the county of Monroe. After a year as assistant to commissioner of physical services, Don ran for the office of supervisor of the town of Penfield. He has held this post since 1984.

During Don's tenure in Penfield, he has managed the business of the town by encouraging economic growth with new homes, stores, and corporate headquarters, while retaining the quality of life the residents desire.

As a community activist, Don has held positions of responsibility with the Finger Lakes chapter, Leukemia Society; director, Easter Seals; Penfield Lyons Club, Penfield Cystic Fibrosis Bike-A-Thon, and March of Dimes "Walk America." His environmental involvement includes Irondequoit Basin subcommittee, water quality management committee, Irondequoit Bay coordinating committee, the Nature Conservancy, National Wildlife Federation, National Audubon Society, Penfield Conservation Board, and Penfield parks and recreation advisory committee.

Don has served Penfield in an exemplary manner. He has given unsparingly of his time and effort to have the town retain its identity and character. I can personally attest to the achievement of this goal because my wife, Nancy, and I live in this wonderful town. Don's many accomplishments on behalf of the town of Penfield will be recognized on October 27 as his friends and associates and the Penfield Lions Club honor him with a retirement celebration and the inauguration of the Donald G. Mack Scholarship Fund.

On a personal note, Don and his wife Trudy have been married for 41 years; they have six children, six grandchildren, and one great-grandchild.

Richard M. Rosenbaum, New York State Republican National Committeeman and personal friend states:

Don Mack is a true public servant in the very best sense of that phrase. Don entered politics 25 years ago in Penfield and he has been a super star ever since.

As a Republican committeeman, then as a town Republican chairman and now as town supervisor, Don exemplifies the finest in the business.

He has been overly generous in giving of himself for the betterment of the people of Penfield, and he will be sorely missed when he leaves his post at the end of this year.

I am tremendously proud to call him my protege and my friend.

Don, your many friends and colleagues wish you the very best in the days ahead. Our prayers are with you, and I salute you and wish you well in the future. I have been privileged to work with you during these many years and value our association and friendship.

THE HIGH SKILLS, COMPETITIVE WORKFORCE ACT OF 1991

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. GEPHARDT. Mr. Speaker, today I am proud to join with my colleague RALPH REGULA in introducing the High Skills, Competitive Workforce Act of 1991.

The United States is part of a highly competitive world market that rewards high quality products and services that respond rapidly to a variety of sophisticated and shifting consumer tastes. The key to success in this global economy is the human mind: its ingenuity and ability to innovate.

The High Skills, Competitive Workforce Act of 1991 is designed to foster investment in the minds and the skills of our people in areas that are necessary to a successful world class economy. The bill begins to implement the major recommendations of the report of the Commission on the Skills of the American Workforce, comprised of an impressive array of leaders from business, labor, education, and government service.

I want to emphasize the title of the report: "America's Choice: High Skills or Low Wages." I stress this title, because I believe that it says it all. This is America's choice; there are no other alternatives and there is no avoiding the choice. Doing nothing to upgrade the level of skills both needed and provided in our economy will inevitably lead to our becoming a low wage society.

One of the most important lessons to be drawn from the Commission's report is that in the 1990's and beyond, if we are to be a high wage economy, we must be a high skill, high performance economy. Over the past 20 years our productivity growth has slowed to a crawl. The only reason our economy has grown in this period is that we have added many workers to the work force. Even with this work force growth, our lowered productivity growth has caused earnings to decline over this period.

Work force growth will slow dramatically in the 1990's. We will no longer be able to grow simply by adding new workers. In order to avoid further reductions in earnings, we must increase productivity. And, as a high-wage society, we cannot do this simply by investing in better machinery. Today, low wage economies can afford the same machinery and still sell their products more cheaply. So, we must invest in better minds and better skills—and combine these human resources with our high technology resources to create workplaces that emphasize quality, innovation, and speed.

American ingenuity and innovation helped make this country great. For decades our European neighbors considered ingenuity and innovation to be part of the American character. Yet we are now falling behind in the global economic competition.

The reasons for this are many and complex. But chief among them is a widespread failure over the past decade to foster and support the abilities of our people. The signs of this failure are clear: American children do poorly in academic tests, compared to their peers in other

nations; the United States has no systematic school-to-work program, despite the facts that at least 20 percent of American youth do not finish high school and of those who do finish, about half do not go on to college; American employers invest far less in worker training than do their competitors in other nations, and have shown less commitment to high performance work organization.

The choice between high skills or low wages has a direct impact on the people of this country: lowered wages mean a lowered standard of living. It is important to understand the full implication of a lowered standard of living: not just fewer luxuries, or even less comfort, but diminished opportunities and dying dreams. To take just one example, our working families can barely afford to send their children to college now. If they earn even less, with college tuitions continuing to rise, how will they manage?

The American dream is not two cars in the garage and a yacht at the dock. For millions of hard working citizens, the American dream is to live a productive life, to develop to their full potential—and to provide for their children the opportunity to do even better. It is this dream that hangs in the balance of America's choice. Nothing can be more important than to protect this dream, to preserve this opportunity.

My constituents understand that this unique feature of American life is in danger of becoming obsolete. At virtually every town meeting in my district, at least one constituent asks me the following question:

Congressman, I earn 10 or 15 or 20 dollars an hour. I want to continue earning this money. I need to continue earning this money: I have children to put through college and aging parents I want to be able to help—as well as trying to provide for my own and my spouse's later years. But how can I compete with workers in Singapore or Mexico, who are willing to work for a dollar an hour?

The only answer is that my constituent will be able to continue earning ten times more than these low wage workers only if he works ten times better and ten times smarter. Now, that worker—all workers—have the right to turn to their government and ask: What are you doing to give us the tools we need to restore our productivity and revive the American dream?

We are obliged to respond with credible answers—answers that do not include a capital gains tax cut, a laissez-faire free trade policy, or squandering investment capital in pursuit of expensive and pointless mergers. But the answers can be found in proposals such as the one we are making this morning. The High Skills, Competitive Workforce Act of 1991 is the way to demonstrate that we are serious about effecting the transition to a high skill, high performance economy.

The bill is designed to promote a thoroughgoing, national commitment to high skills and high performance. It envisions a national system of skills training and certification, in academic subjects and a wide range of recognized occupations, enabling our young people either to pursue a college education or to enter a high performance workforce with a high skill job.

The system starts in the schools, where students will demonstrate their solid grounding in the basic skills of reading, writing, calculating, and reasoning, and their mastery of basic material in math, science, history, and language. It creates a solid bridge from school to work, with national certifiable skill standards in a wide range of occupations, and programs to ensure that high school students who choose not to go to college have those skills. It provides continuing support for workers throughout their careers, with coordinated high performance skill training.

The High Skills, Competitive Workforce Act of 1991 provides the starting point for a comprehensive and systematic national commitment to an economy fueled by highly skilled workers, workers who deliver high quality, innovative goods and services that are second to none in the world.

I look forward to working with my colleagues in the House, and with concerned leaders in business, labor, and education, to send to the President's desk a bill that will help to enable all Americans to be productive, earn a good living, and provide their children with a future full of hope and opportunity.

I am submitting for the review of my colleagues a section-by-section analysis of the bill.

SECTION-BY-SECTION ANALYSIS OF THE HIGH SKILLS, COMPETITIVE WORKFORCE ACT OF 1991

TITLE I. FINDINGS AND NATION POLICY

SEC. 101. Finds that the preservation of a high standard of living requires productivity growth; that productivity growth is most successfully fostered by high skill, high performance work organization; that high skills and high performance require increased and systematic investment in the abilities of our people.

SEC. 102. States that it shall be the policy of the United States to: encourage the development of a voluntary national system of educational and occupational standards of proficiency and certificates of mastery; promote extensive school-to-work transition programs; stimulate the creation of high performance work organization; significantly increase and upgrade continuing education and training for workers, especially for front-line workers and supervisors. Primary resonsibility for this transformation of the American workforce must lie with the private sector, with the active involvement of labor, educational institutions, State and local government, and community organizations. The Federal government should serve primarily as a catalyst, through the formulation of strategic goals, providing of incentives, relaxation of antitrust inhibitions, sponsorship of R&D, dessemination of information and expertise, and improved coordination and consolidation of existing Federal, State, and local employment and training systems.

TITLE II. STANDARDS OF EXCELLENCE IN EDUCATION AND TRAINING

SEC. Authorizes funds for the establishment of a National Board for Professional and Technical Standards. This Board, with the assistance of newly created advisory committees for major industries, trades, and occupations, will develop voluntary national occupational standards, competency assessments, and curricula leading to associate degrees and professional certificates in a wide range of occupations.

SEC. 203. Authorizes funds for the Office of Educational Research and Improvement to develop internationally competitive competency standards, assessment tools, and model curricula; and establish pilot projects to develop and demonstrate multi-State performance-based assessment and examination systems for appropriate age/grade levels.

SEC. 204. Requires the public release of independently audited program, cost, and outcome information on vocational educational institutions.

TITLE III. SCHOOL-TO-WORK TRANSITION

SEC. 301. Calls for the creation of a nationwide system of school-to-work transition programs to aid American youth in becoming productive members of a high skill, high quality, high performance workforce.

Subtitle A—Career Preparation

SEC. 311. (a) Career Preparation Demonstration Programs. Authorized funds to the Department of Labor to carry out a variety of Youth Skills Development demonstration programs. Students will be exposed to these programs in the 9th and 10th grades, voluntarily enroll in 11th grade, and then spend several years in a combined academic and mentored on-the-job training curriculum, designed to impact proficiency in specific occupational skills. These programs will be geographically dispersed, cover a wide range of skills that are not included in current apprenticeship programs, and provide participants with the maximum flexibility to shift among skill areas and back into more traditional academic programs. Students who satisfactorily complete these programs will be awarded certificates of mastery, and be assisted in seeking employment by the entity that has implemented the program.

(b) CAREER AWARENESS. Authorizes funds to the Department of Education to establish a Career Awareness Program which will use interactive videos and other advanced technologies to acquaint students in grades 7 through 12 with a wide variety of career options.

Subtitle B—Community Youth Employment Compacts

SEC. 321. Authorizes funds to the Secretary of Labor, to provide incentive grants to establish Community Youth Employment Compacts among schools, businesses, and community organizations. These Compacts shall provide youth attending high school or alternative education programs, but not in a Career Preparation Program, with part-time and summer jobs and aid them in obtaining full-time employment after completion of high school.

Subtitle C—Youth Opportunity Centers

SEC. 331. Authorizes funds to the Department of Labor for the creation of a 25% federal matching grant to enable each State to establish Youth Opportunity Centers for high school dropouts, to provide them with alternative paths to academic and skills training sufficient for entry into the workforce or enrollment in postsecondary educational institutions. The States' share of the matching funds will come from the funds that would have been otherwise available if students had remained in traditional secondary schools. Services provided will include: (1) Academic preparation leading to certification with which the student can enter the workforce or pursue postsecondary education; (2) personal, academic, and job counseling; (3) skills training, including on-the-job training; (4) access to a full range of social support services; (5) access to paid work experience; and (6) opportunities to participate in community service, athletics, and recreational activities.

TITLE IV. HIGH PERFORMANCE WORK ORGANIZATION

SEC. 401. States that the purpose of this Title is to stimulate the private sector to provide increased worker training and accelerate the shift of American industry and services to high performance work organizations that will enable the United States to excel in global competition.

SEC. 402. Authorizes funds to the Department of Labor to make grants to promote the development of high performance workplaces and increased employer-based training. The grants will be used to aid employers, labor unions, and consortia by: (1) Disseminating information on successful work organization and training models; and (2) providing technical assistance to aid in creating high performance work organization, and establishing high skills training programs.

TITLE V. HIGH SKILLS TRAINING CONSORTIA

SEC. 502. States that such a training consortium shall not be deemed illegal per se under the antitrust laws, but shall be judged on the basis of its reasonableness.

SEC. 503. States that any entity entitled to monetary relief from such a consortium after suit under the antitrust laws shall be limited to the extent of the actual damages.

SEC. 504. Discourages frivolous antitrust suits against such consortia by making attorneys' fees recoverable by the prevailing party to the suit.

SEC. 505. Requires each new consortium promptly to file a notification with the United States Attorney General and the Federal Trade Commission that provides public disclosure of the nature and objective of the consortium and the identity of its members.

SEC. 506. Authorizes funds to the Department of Labor to provide planning and start-up grants to the private sector to establish High Skills Training Consortia consisting of companies operating within the same industry or utilizing similar technologies. Consortia are encouraged to develop investment-sharing systems so that member firms will not suffer from undue loss when workers whose training they have financed leave their employ.

TITLE VI. STATE AND REGIONAL EMPLOYMENT AND TRAINING SYSTEMS

SEC. 601. Authorizes funds to the Department of Labor for start-up grants to States for the establishment of statewide systems for the coordinated administration of Federal, State, and local employment and training programs, including such programs as JTPA, vocational education and rehabilitation, and dropout prevention.

Mandates States receiving grant money to create Regional Employment and Training Boards to coordinate the delivery of all employment and training services in the regional labor market and to develop a strategic plan concerning the human resource needs in the region.

SEC. 602. Requires GAO to conduct a study of all Federal employment training programs and make recommendations by January 1, 1993 on ways to eliminate gaps and unnecessary duplication in services, and increase the overall effectiveness of such programs.

TITLE VII. PRIVATE SECTOR INVESTMENT IN WORKFORCE TRAINING

Subtitle A—High Skills Training

SEC. 712. Requires employers with 20 or more employees to collect and provide the Secretary of Labor with information concerning their education and training expenditures in 1993.

SEC. 713. Assesses every employer with 20 or more employees half of one percent of total annual payroll in 1994 and one percent in 1995 and thereafter, unless the employer has expended an average of at least one percent of total wages on training during the preceding three-year period.

Subtitle B—High Skills Training Trust Fund

SEC. 721. Establishes a High Skills Training Trust Fund for States to award grants to establish high skills training programs that facilitate the implementation of high performance work organizations.

SEC. 722. Provides for administration of the fund by the Secretary of Labor through the States.

SEC. 723. Requires that priority in award of grants from the fund be given to training for front-line workers, non-supervisory skilled, semi-skilled, or entry-level employees, and for lower and middle management supervisory personnel implementing high performance work organization. Services to be provided include: literacy and basic skills instruction, including instruction leading to a high school diploma or its equivalent; skills training consistent with relevant certification standards established in Sec. 202; skills training to upgrade and retrain employees as necessary to implement high performance work organization.

Provides for the creation of High Skills Training panels in States receiving funds, comprised of representatives of private employers, labor organizations, State and local governments, and educational institutions, to administer the State grant and loan program.

Subtitle C—Educational Assistance to Employers

SEC. 731. Fosters increased worker participation in educational programs by making permanent the exclusion in the Internal Revenue Code for employer-provided educational assistance to employees.

GAY SOLDIERS, GOOD SOLDIERS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. KOSTMAYER. Mr. Speaker, last month the New York Times, in a lead editorial, added its voice to those calling for an end to the ban on gay and lesbian citizens serving their country in uniform.

No such ban applies to homosexuals holding civilian jobs in the military, some of whom have far more access to military secrets than low-ranking uniformed personnel. So much for security consideration which Secretary Cheney himself dismisses as "a bit of an old chestnut".

At a recent hearing before the House Budget Committee the Secretary wisely refused even to defend the policy, telling our colleague from Massachusetts, Mr. FRANK, that he had inherited it. Mr. Speaker, it's time the policy was disinherited and abandoned for what it is, a callous Government policy that singles out some citizens as less worthy than others. It encourages peoples to hate one another.

Some contend that, because heterosexuals and homosexuals must live and work under close conditions, that military operations would somehow be disrupted.

While their commanding offices may not know who they are, large numbers of gay and lesbians already serve in uniform without any apparent problem.

If it works in secret, surely it can work in the open. In fact, dealing with it openly will only diminish the anger and hostility it provides in so many.

Just after the war in the gulf, one military commander, speaking of gay and lesbian soldiers said, "If we know, we have no choice but to discharge them or lock them up."

Does he include those who won the Bronze or Silver Stars, those who were willing to give their lives alongside their heterosexual colleagues?

Public opinion polls show 6 out of 10 Americans favor ending a ban that should never have been imposed to begin with.

When the Pentagon brings this cruel and hateful barrier down, one more step toward full equality for all citizens, regardless of sexual orientation, will have been taken.

Surely one day, Mr. Speaker, we will look back and ask, "How could we have done this to people."

The Times editorial follows:

[From the New York Times, September 1, 1991]

GAY SOLDIERS, GOOD SOLDIERS

Do homosexual personnel, male and female, threaten the effectiveness of the armed forces? Or is it shortsighted prejudice for the military services to ban homosexuals and to discharge those discovered in its ranks?

That long-festering issue has emerged with new force in recent weeks, requiring Defense Secretary Cheney to explain anew to Congress and the public just why homosexuals are deemed "incompatible with military service."

Mr. Cheney showed little appetite for the task, with good reason. The ban deprives the armed forces of talent and the discharges damage thousands of careers and lives. All for a policy with not a shred of hard evidence to support it.

Much of the opposition to homosexuals reflects a deep-seated fear that gay personnel would make sexual advances on their heterosexual comrades, provoking fights or starting affairs that would destroy discipline. But that wrongly brands all homosexuals as sexual aggressors. The same specter of unrestrained sexuality was raised when women were first admitted to military service. Yet women have been successfully accommodated, and they performed valiantly in the Persian Gulf war.

The Defense Department is actually two-faced on the subject of homosexuality. Homosexuals are allowed to serve in civilian jobs, even at the highest and most sensitive levels, under civil service rules that outlaw sexual orientation as a criterion for employment. That is why Secretary Cheney has no trouble retaining a trusted aide who was identified as homosexual by a gay magazine.

But the department bans homosexuals from military service and has discharged more than 13,000 people as homosexuals since 1982. Many, sad to say, have been outstanding. Some have won bronze or silver stars. One was a naval cadet near the top of his class at Annapolis. Underscoring the absurdity of the policy, the commander of the surface fleet in the Atlantic last year urged, in a message to his subordinates, that investigations of lesbians not be "pursued

halfheartedly" just because lesbians are generally "hard-working, career-oriented, willing to put in long hours on the job and among the command's top performers."

The official justification for the ban is a single sweeping paragraph in the Defense Department's administrative discharge directive. It asserts, with dubious accuracy, that the presence of homosexuals "seriously impairs the accomplishment of the military mission" in seven areas, including morale and recruitment.

The Pentagon may be retreating from one claim—that homosexuals are a security risk, peculiarly subject to blackmail. Unpublished studies for the military in 1957 and 1988 concluded that homosexuals were a negligible security risk, and Secretary Cheney dismissed the allegation as "a bit of an old chestnut."

Other assertions that the presence of homosexuals makes it difficult to maintain morale and insure the integrity of the command system sound like worst-case projections based on outdated stereotypes. Polls show that most Americans think homosexuals should be allowed in the military.

The most emotional reason for excluding homosexuals is that service members, in contrast to civilians in the Defense Department, "frequently must live and work under close conditions affording minimal privacy." Perhaps some heterosexual servicemen fear they would be propositioned in the showers. But that possibility could be managed with regulations proscribing sexual harassment. And what consenting adults do on their own time is their business, not the military's.

The military and its civilian overseers need to reexamine the case; there's no evident justification for discrimination on the basis of sexual orientation.

BIGGER BANKS—BIGGER RISKS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. DUNCAN. Mr. Speaker, During consideration of banking reform legislation before the House Banking Committee I expressed concerns about the "too big to fail" policy.

It is not that I am opposed to bigger profits and international competition for our banking industry, but I am opposed to exposing the American taxpayer to huge risks should these bigger banks fail.

The taxpayers are already shouldering a multibillion-dollar savings and loan bailout, and now we find the bank insurance fund in a precarious condition. I just do not believe that bigger means better for our banking industry or the American taxpayer.

Following are my comments before the House Banking Committee concerning this issue as well as an engaging and timely column by nationally syndicated economics columnist Warren Brookes, which appeared in yesterday's The Washington Times.

REMARKS OF REPRESENTATIVE JOHN J. DUNCAN, JR.

The first morning after I was placed on the House Banking Committee, the Republican members were invited to have breakfast at the Treasury Department with Secretary Brady.

Mr. Brady is a very nice man, with whom I agree on many things. However, that morning, he voiced his concern that the United States no longer had any bank in the top 25 in the world.

He said that what we needed in this Country were fewer and bigger banks.

Of course, that is a regulator's dream. Many government officials like it when they have fewer entities to supervise, because it is less of a headache. And they feel more important when dealing with larger institutions and bigger money.

But I left the Treasury Department that morning feeling that we were headed in the wrong direction.

The day after the Bank of New England collapsed, I said in a speech on the House Floor that what we really need was more small, conservatively run institutions.

After all, it is just plain common sense that if a small bank fails, it is not the major catastrophe for the taxpayers and the economy that the failure of a Bank of New England is.

Yet, within the federal bureaucracy, common sense is not given much credence.

Old fashioned virtues like thrift and conservatism do not seem to impress federal regulators either.

Actually, what we needed to do is to ease some of the governmental barriers to entry into the banking business.

We need to allow and even encourage more people and especially more free enterprise into the industry.

However, the House Banking Committee has now passed a "banking reform" law that goes in the opposite direction.

Already, the cover of the Congressional Quarterly, the very objective weekly magazine that covers the Congress, has declared the bill as "Big Banks Victory."

The July 8 issue of U.S. News and World Report has a headline saying "Banks Get the Urge to Merge," reporting on two proposed mergers between four of our largest banks.

So the big will get bigger, and maybe this is inevitable, but it is a trend that should not be aided, abetted, and even encouraged or required by our own federal government.

And many small businessmen, farmers, average consumers, and middle and lower income people will find it increasingly more difficult to get loans or possibly even the time of day at these banks.

After all, the mega-banks do not want the business of the "little man," although that is a term I do not really like to use. They are a nuisance to the larger financial institutions.

And most rural areas and small and even medium-sized communities will find it increasingly difficult to get loans or charitable contributions for worthwhile local projects from banks whose home offices and real power are long distances away.

I opposed the Banking Committee Bill primarily because it will help the big to get bigger and make policies like "too big to fail" more common.

However, there are other reasons to oppose this bill as well.

At one of our hearings, I asked a banker from Wisconsin what one single thing Congress could do to make our nation's banks stronger.

He replied, "Decrease the regulatory paperwork," or words to that effect.

Other bankers testified along similar lines and reported having to put more employees and spend more money to keep up with all the new rules, regulations, and red tape.

Well, they had better get ready. The bill passed by the Banking Committee will increase the number of laws and rules the banks have to follow. It will increase their paperwork and associated costs.

Once again, the big banks, with their larger staffs, will find it easier to comply. Some small institutions, in good shape now, will drown in a sea of paperwork and will become marginal and have to merge.

The bill will increase the power of regulators. At another of our hearings, a banker from Ohio made a comment about overzealous regulators and how there is some risk even in good loans.

He told in his testimony how bankers used to be able to consider intangibles like character and reputation and consider future earnings prospects, say in making a loan to a new young doctor, for example. But he said these things did not satisfy today's young bank examiners.

During the months this bill was under consideration by our Committee, there were two front page articles in the Wall Street Journal about the "credit crunch."

President Bush was concerned enough about it to speak out in his State of the Union speech and say that now was the time for banks to be making loans.

That was late January, and yet our recession continued with bankers all over the nation complaining privately about the power and authority and unreasonableness of "25-year-old" banking examiners.

Now all the experts say we are coming out of the recession. Many small businessmen wonder if this is true. Home sales dropped more than 3 percent in May when all the "experts" were predicting we would have an increase of about that amount.

I hope our economy is recovering and that time are getting better. But I do not believe we will be able to have a long-term, sustained recovery with our national debt and deficits so unbelievably high and when we are passing banking reform that increases the power of the federal government over our banks.

Finally, going along with the "bigger is better" theory, the bill will limit the authority of the States to control interstate branching within their own borders.

The goal is to get a national banking system and not a locally controlled, decentralized one. Thus, the bill increases the power of the federal government over banking at the expense of the States.

Our Founding Fathers envisioned a system in which the States had more power than did the central or national government.

In modern times, we have seen the wisdom of their views. Not only is a government that is closer to the people more democratic, but there has been much less waste, fraud, and inefficiency at the state level than at the federal level.

Despite the fact that federal employees are almost always paid much more than state employees, the States have done a better job at governing and of spending the people's money than has the federal govenment.

In the same way, I believe in our "two tiered" banking system and believe we should leave as much of the regulation and supervision up to the states as possible. This bill goes in the opposite direction.

I know many members of the Banking Committee have worked long and hard on this bill. They are very sincere and dedicated, and I hope they are right. But, in the long run, I do not believe this bill will strengthen or improve the banking system in this Country.

Thus, I must oppose this bill and urge my colleagues to do likewise.

[From the Washington Times, Oct. 1, 1991]

DOES BIGGER MEAN BETTER FOR BANKS?

(By Warren Brookes)

Last week's announcement of the potential merger between Bank of Boston and the Shawmut Bank of Boston, the region's two largest banks, continues a trend being promoted both by bank regulators and the administration as a "solution" to the nation's ongoing banking crisis. That "solution" is implicit in the administration's efforts at banking reform that put great emphasis on interstate banking as a way of promoting "megabank" consolidation and size.

So far, at least, the financial markets and the U.S. regulatory apparatus from the Treasury to the Federal Reserve have approved these banking nuptials, apparently accepting the Treasury's premise that one reason for the weakness of our current banking system is too much fragmentation, not enough banks big enough to compete in the global market. With some 12,500 separate banking companies, the largest number of any nation in the world, there would appear to be a logic to that premise.

We are routinely reminded that even after these "megabank" mergers, none of these new "megabanks" even gets into the top 20 in the world, a field dominated by Japanese and European banks.

Fortunately, House Banking Chairman Henry Gonzalez is not buying this premise, and for good reasons. In the first place, as one Treasury official pointed out on background recently, "the loss of U.S. global bank ranking is mainly a function of the decline in the value of the dollar since 1985 which automatically depressed the asset positions of U.S. banks vis-a-vis foreign banks, even with no real change in competitive strength."

Beyond that, he notes, "When you look at the data, you discover that relatively speaking the really profitable and well-capitalized banks in the U.S. tend to be the medium to smaller-sized units, while the biggest capital and asset problems seem to be concentrated among some of the largest banks."

Those observations are well documented in the spring issue of the Minneapolis Federal Reserve Bank's Review, where senior research officer John Boyd and economist Stanley Graham "take exception to this widely held positive view of [bank] consolidation. After examining the available evidence, we do not think consolidation will deliver any of the benefits its proponents expect from it." Indeed, they argue, the current wave of consolidation is not the result of market forces, but in primarily the result of what they regard as "incentives created by government [regulatory] policy. In fact our investigation raises serious questions about the wisdom of certain bank regulatory practice."

Since 1984, we have lost 2,200 banks, a decline of 15 percent, mainly through merger and consolidation, in spite of a continued 1.6 percent annual rise in new bank charters that defies the theory that banking as an industry is dying out.

At the same time, the domestic share of all bank assets held by the 100 largest banking organizations rose from 50 percent in 1977 to 65 percent in 1990, and the asset share of those banks with $5 billion or more in assets shot up from 30 percent to 59 percent in the hands of less than 1 percent of banks.

While market analysts have attributed this growing concentration of assets to economies of scale in a macroscale economy, the Minneapolis Fed researchers argue that if that were so, it should be reflected in lower costs, higher efficiencies, and therefore better profitability for the biggest banks. Instead, their analysis of profitability trends shows exactly the opposite. Between 1971 and 1987, among bank holding companies with assets of more than $1 billion the highest profitability was found in the smaller and medium-sized banks. For example, on bank holding companies from $1 billion to $2.5 billion, net income as a percent of total assets averaged 1.5 percent. For those with more than $10 billion, it averaged only 0.5 percent, one-third as much. As for return on equity, the smallest of these banks averaged 13.5 percent, the largest 11.5 percent.

Most important, the ratio of equity capital to loan assets, the best measure of safety and soundness the banks with $1 billion to $2.5 billion were comfortably above 6.6 percent, while the largest banks were at a troublesome level of only 4.4 percent.

The Minneapolis Fed economists looked at the trends of all banks from 1972 through 1990, and this broad analysis also favored the smaller and medium-sized banks, which steadily strengthened their capital position in this period with only modest declines in profit, while those at the top steadily weakened their own safety and soundness. (See Table.) This suggests to the Fed economists that "economies of scale are captured at a modest size, and that once this size is reached, further increases do not improve profitability. In fact, there is some evidence that very large banking firms are less profitable than middle-sized ones. Thus, the evidence does not support the popular belief that a quest for economies is behind the banking industry's consolidation."

Indeed, the whole nature of the global information revolution is to reduce the economies of scale, increase the economies of microscale, and to make it possible for ever-smaller and more decentralized banking units to access the largest information networks and enjoy both their efficiencies and their service-outreach potential.

The question is, what is driving this consolidation, if not market forces? The Fed economists say government regulatory policies are. In particular, the "too big to fail" doctrine tends to drive large depositors (of more than $100,000) into the largest institutions where they get, in effect, 100 percent protection. The Bank of New England's deposits were soaring even as they plunged off the cliff—a plunge well-known in the market.

The other regulatory force is the natural tendency of the regulators to keep insolvent banks going by merging them with solvent ones, suggesting to the banking industry that when in trouble, merge, when on the edge, consolidate.

Whatever, the economists argue, "we see scant evidence that further banking consolidation will benefit either the U.S. banking industry or the U.S. economy."

BIGGER IS NOT SAFER

	Percent—	
	1972–75	1988–90
Return on assets:		
Under $25 million	0.92	0.86
$25 million to $100 million	.86	.72
$100 million to $1 billion	.75	.82
More than $1 billion	.72	.54
Equity-asset ratio:		
Under $25 million	7.8	9.0
$25 million to $100 million	7.0	8.9
$100 million to $1 billion	6.5	7.5
More than $1 billion	6.0	5.6

Source: Federal Deposit Insurance Corp.

A SMALL BUSINESSMAN WRITES ON HEALTH INSURANCE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. STARK. Mr. Speaker, in the category of I-wish-I-could-say-it-as-well, I received a letter yesterday from an Atlanta businessman who explains—in better terms that I can—why we need a complete overhaul of the Nation's health care system. His letter to Secretary Sullivan is a classic.

The health care problem has become a crisis not just for the poor, but for the American middle class and the administration's nonpolicy of endless study is a cruel joke.

HAMPTON ASSOCIATES, INC.,
Atlanta, GA, September 26, 1991.

Hon. LOUIS W. SULLIVAN,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR DR. SULLIVAN: I read an article in yesterday's *Atlanta Constitution* in which you are quoted as saying, "The best avenue to improve health-care financing and access is through our current system of public-private health care * * *". I glanced up at the accompanying photo to see if you might have had a sly grin on your face, or were winking one eye, but, no, you actually looked serious. Surely, I thought, a man with Dr. Sullivan's obvious intellectual gifts and breadth of personal contacts could not still believe that our health care delivery system simply needs fine tuning or a "summit" to seek ways to reduce paperwork. But, I guess you still do, or you wouldn't make such statements.

Dr. Sullivan, I have worked in, for, around or with government agencies much of my adult life, and have owned my own small company for the past twelve years. When I started, I provided my employees full family coverage, including life insurance, with no deductible. Beginning in 1984, I started whittling away, as the costs increased. First the deductible increased, then we fooled around with eligibility waiting periods. Next we dropped family coverage and raised the deductible even more. Then we dropped disability. During the past three years we went to a PRO and now to an HMO. And we also shopped companies and changed four times, leading to gaps in coverage for some of our folks.

During this period, the health/life portion of our benefit package has increased from less than 4% of the average wage to 11.6%. And, those with families are paying another 12% to 18% out of their own pockets. So, we are paying nearly three times as much to provide our employees with a drastically reduced program of health care, and they are paying at least as much more to cover their children. It is a national scandal when many of our employees' health care coverage consumes a quarter of their salary and benefits.

If that were not enough, I have a professional staff person who spends at least 50% of her time correcting billing errors, advocating for employees whose claims have been improperly denied, and trying desperately to find program nuances that we can utilize to keep our costs at a minimum. All of this for a company with only 33 employees, doing business with a very large, well-advertised insurance carrier with nearly 100-year roots.

Mr. Secretary, the health delivery system in this country is a global disgrace. Our infant mortality rate is nothing short of trag-

ic, the health of the poor is terrible, and the cost of any health-related service is so expensive that it is a favorite topic for comedians, and can easily outdistance the cost of a home, if sophisticated treatment or long-term care is required.

At a recent college reunion, I was discussing personal finances and the like with a number of my classmates and learned that American doctors own the lion's share of Gulf coast and Caribbean condominiums and are, not surprisingly, the largest single group of high volume personal investors in the world. On my return trip, I saw an article which related an IRS indictment against an internist in a Southern city alleging that he had underreported his income for a single recent year by over $250,000. He had actually reported nearly that much, so his gross was nearly a half-million dollars. I'm told that's pretty common. I was also told last month, by a hospital administrator here in Atlanta, that there are more MRIs on "Pill Hill" (your Atlanta memory will identify that as our northside collection of hospitals) than in all of Canada. Small wonder our costs are so high!

My heart is heavy over all of this, Dr. Sullivan. I am a physician's son and a lifelong active Republican, but I am also a father, an employer, a taxpayer, and a person who cares deeply about the condition of those who are imprisoned in our inner cities and in the rural areas which are being bypassed by opportunity. They, and their children, need quality care as much as you and I. They aren't getting it, and won't get it, under our present system. And those of us who do have some modest means can certainly not afford health care coverage which escalates in cost more than 20% every year.

The insurance companies need to go back to insuring lives and property. The hospitals need to worry far less about competing with each other and accumulating a full range of expensive technology, and learn to share and coordinate. The doctors need to become more Hippocratic and less entrepreneurial. And, last but not least, patients need to sacrifice their independent choice (which most do not know how to intelligently employ) for more uniform and accessible care.

I am sorry that my complaints are not followed by suggestions for a simple solution. Actually, the solution *is* fairly simple, if one could disregard ingrained professional traditions, excessive profits and, yes, greed. That takes leadership, Dr. Sullivan, and I pray that you and President Bush will provide it for us—all of us, not just the insurance companies, the doctors and the hospitals.

Respectfully,

C. LEE CREAN,
President.

CONGRATULATIONS TO THE PEOPLE OF THE TOWN OF BROOKLINE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, the town meeting of the town of Brookline is one of the liveliest representative bodies in the country. Elections to this assembly are usually very contested and issues are debated quite seriously at the town meeting.

At the annual town meeting in June, the members voted a resolution which seems to me an extremely wise one. I congratulate the people of the town of Brookline on their commitment and perception—Members of the House will note Mr. Speaker, that this resolution was passed even before the total collapse of the Soviet Union in August, an event which gives even greater logic to its reasoning.

I am especially pleased Mr. Speaker because the sentiments voiced in this resolution are sentiments that I share completely and I welcome this initiative from this well informed group of responsible citizens as we prepare for the national debate we will have early in 1992 about the priorities of Federal spending. I believe an increasing number of Americans recognize that, having achieved victory in the cold war, Americans now have the right to bring tens of billions of dollars home that we have been spending overseas in Europe and East Asia, and that we also no longer need to go forward with such unnecessary and expensive weapon systems as the B–2 bomber. I am pleased to be working in the directions that the people of Brookline have outlined here.

TOWN OF BROOKLINE,
Massachusetts, July 23, 1991.

Congressman BARNEY FRANK,
437 Cherry Street
W. Newton, MA.

DEAR CONGRESSMAN FRANK: At the Brookline Annual Town Meeting in June, it was noted that spending for cities and towns, education, environment, health care and other human services has gone down sharply over the last decade to support dramatically increased military spending. Town Meeting Members expressed the view that with the breakup of the Warsaw Pact and the conclusion of the Persian Gulf War, it is time to reverse our spending priorities. Accordingly, the Meeting adopted the following Resolution:

Whereas the Town of Brookline has been forced to cut vital services, programs and employees because of decreased federal spending for cities and towns over the last decade; and

Whereas during this period, federal spending for community development block grants was sharply cut, federal revenue sharing was eliminated, while the military budget has increased dramatically; and

Whereas the $800 million expenditure for one B–1 bomber would cover most of the Massachusets state budget deficit for 1991; and

Whereas the Persian Gulf war has now been concluded;

Now therefore be it hereby resolved that the Town Meeting directs the Moderator on behalf of the Town Meeting to call upon our Congressional delegation, the Congress, and the President of the United States to redirect Federal spending away from an emphasis on military spending and towards programs in such areas as the environment, energy conservation, public transportation, education, health care, housing and child care to meet the needs of the residents of Brookline and other communities throughout the Nation, and

Be it further resolved that the Moderator send this resolution to newspapers of general circulation in this Town to be published and forwarded to our Congressional delegation and to the President.

I would greatly appreciate a response to this communication which I can convey to the Brookline Town Meeting Members.

Sincerely,

JUSTIN L. WYNER,
Town Moderator.

CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS ADDRESS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. GEKAS. Mr. Speaker, I would like to share with my colleagues some remarks made by Dr. Michael Brown, of the University of Texas, a Nobel laureate who recently spoke about his research on heart disease, at a briefing of the Congressional Biomedical Research Caucus. I believe that you will find this material informational and enlightening.

REMARKS BY DR. MICHAEL BROWN

I come before you today as witness to a revolution in biology that is energizing the second half of the century in the same way that the physics revolution energized the first half. The physics revolution led by Einstein gave us new understanding of space and time and the nature of the atom. This led to atomic energy, electronics, high speed communications and all the other wonders that have enriched our lives, but it also led to the creation of the atom bomb, the greatest threat that mankind ever faced.

The biology revolution has an equal potential. This revolution is much more recent. It began at the midpoint of the century with the discovery that DNA is the carrier of all hereditary material in nature. Since then it has accelerated progressively at a dizzying pace. The rate of discovery in biology is now much more rapid than has ever occurred in any scientific field at any time in history.

This biology revolution began when we learned that genes are merely chemicals composed of DNA. Like any chemical, the genes can be isolated and U.S.C. studied and tested. We learned how to alter genes and how to insert new genes into any living organism, including humans. We have learned to read the genetic code and thereby to decipher the instructions that dictate the production of the human body. We have also learned that everybody's genes are different. Each of us has about 100,000 genes, and all of us inherit small differences in many of our genes that account for our individuality. In fact, if all of our genes were identical, we would all be as similar as a pair of identical twins. The fact that we are not so similar is because our genes are different. This genetic individuality means that each of us responds differently to every environmental challenge including those that cause disease.

Nearly all diseases are caused by environmental factors that exploit differences in individual susceptibility to cause illness in some individuals but not in others. As a geneticist, I believe that there are no purely environmental diseases. Every disease has an environmental and a genetic component. Take sunburn, for example. Most of you think sunburn is caused by the sun, but this is only part of the story. Actually sunburn is a genetic disease. People with dark skin have a natural suntan lotion with a protective factor of 4. If a dark skinned person and a light skinned person both spend 15 minutes on the beach on a sunny day, the fair

skinned person will burn and the dark skinned person will not. Skin color is genetically determined. Sunburn is a genetic disease.

But what does all this have to do with heart disease? Everything. Heart disease is like sunburn. Instead of the sun, heart disease is produced by environmental factors like high fat diets that raise blood cholesterol; high salt diets that raise blood pressure; and cigarette smoking. But all of us don't develop heart disease even when faced with these challenges. What genetic factors determine which of us will succumb? In the case of sunburn, it is easy to tell whether a person is genetically susceptible. Just look at the shade of their skin. But with heart disease we don't have such a simple test. Susceptibility is determined by chemical differences that we can't see with the naked eye. One of these differences lies in the level of cholesterol in the blood stream. People with low cholesterol levels are resistant to heart attack just as dark skinned people are resistant to sunburn. But what controls the level of cholesterol in the blood and why do so many Americans have such high levels of blood cholesterol that they develop heart attacks? That is where my own work enters the picture.

Arteriosclerosis, or hardening of the arteries, begins in the teenage years and progresses slowly throughout life. It starts with deposits of cholesterol in the blood. In fact, cholesterol is essential for life. Cholesterol is an oily substance that is part of every cell. It is used by cells to help form the outer membrane surrounding the cell. And in order to deliver cholesterol to cells so that it can be used to make the cell's membrane, the body transports cholesterol through the blood stream. The cholesterol is so oily that it won't dissolve in the water of the blood, so it has to be attached to a protein. The complex of cholesterol and protein is called a lipoprotein. The most abundant lipoprotein in the blood is called low density lipoprotein, or LDL. Another cholesterol carrying lipoprotein is high density lipoprotein or HDL. The cholesterol bound to LDL is known as "bad" cholesterol. This is because LDL has a tendency to stick to the walls of arteries and to deposit its cholesterol. When the level of LDL is high in blood the deposits form rapidly and arteriosclerosis occurs quickly. Cholesterol bound to HDL is called "good" cholesterol. HDL does not stick to arteries. In fact it may play some role in removing cholesterol from artery walls.

Epidemiologists tell us that two thirds of all Americans have levels of LDL in the blood that are high enough to produce arteriosclerosis. Why is this the case? How does the body normally control the level of LDL and why is it so high in so many people? Some of the answers came from studying a genetic disease called familial hypercholesterolemia. We abbreviate it FH. Hypercholesterolemia literally means "high choloesterol in the blood." Patients with familial hypercholesterolemia have a mutation in a single gene that is passed down from one generation to the next. An individual that inherits this mutant gene has from the time of birth a blood cholesterol level that is elevated from 2 to 10 times above normal, and they have heart attacks from as early as 2 years of age. In 1974 my colleague, Joe Goldstein and I, unraveled the genetic defect in familial hppercholesterolemia in our laboratory at the University of Texas Health Science Center at Dallas. In the course of this work we also discovered the normal mechanism that controls the blood cholesterol.

The key molecule of this story is called the LDL receptor. The LDL receptor is a protein that sits on the surfaces of cells. Its job is to remove LDL from the blood. When LDL approaches a cell that has an LDL receptor, the receptor reaches out and catches the LDL particle. It is something like a first baseman reaching out and grabbing a ball thrown by a shortstop. When that happens, the LDL particle is actually pulled into the cell and is delivered to the digestive system of the cell where the LDL is completely broken down and the cholesterol is released from the protein so that it can be used by the cell to make the membrane that surrounds the cell. All of us have LDL particles circulating in our blood stream. When cells are hungry for cholesterol, especially cells that are growing and have to make new membrane, they make a lot of receptors and they take up a lot of LDL from the blood stream. But if for some reason a cell begins to accumulate too much cholesterol within its interior, it activates feedback mechanism. When cholesterol builds up too high within our cells, the cells reduce their production of LDL receptors, more LDL stays in the blood stream, and the blood cholesterol rises.

Our understanding of the role of the LDL receptors came from studying patients with familial hypercholesterolemia. These people, who number one out of every 500 people in the country, have a mutation in the gene for the LDL receptor. Most of these individuals inherit only one mutant gene for the LDL receptor, and one normal gene. Remember all of us have two genes for almost everything. We inherit one copy of an LDL gene receptor from our mothers and one copy from our fathers. People who inherit mutant LDL receptor genes have an elevated cholesterol level in the blood from the time of birth. You can take blood from the placenta at the time of birth and show that at the instant of birth, a newborn baby with this defect has a cholesterol level that is twofold above normal before it has even looked at an egg. This is an inborn error of metabolism. This is almost a pure genetic disease. People who inherit this mutant gene cannot produce normal numbers of LDL receptors. Those who have only one copy of the normal gene and one copy of the gene produce only half the normal amount of LDL receptors and as a result the LDL particle builds up in their blood stream. They don't have to eat cholesterol in order for this to happen. Their bodies produce enough cholesterol to elevate the LDL level when receptors are genetically defective.

Recall that one out of every 500 people in the United States has this defect. The original research was conducted at the level of basic science. Nevertheless, it has led to therapy. Most FH patients have only one defective LDL receptor gene. The other copy of the gene is normal. It turns out that you can compensate for the mutant gene simply by stimulating the normal gene to become twice as active. The normal gene can produce enough receptors to keep the blood cholesterol normal. Drugs have been developed that stimulate the normal gene to produce more receptors. Physicians can not control the cholesterol level in almost all patients with familial hypercholesterolemia.

Now what about everybody else? After all, only one out of 500 people has a mutation in the LDL receptor gene. What about the other 499? Why do two thirds of these people have LDL levels that are too high for optimum health? Why don't their LDL receptors remove LDL from their blood. The answer lies in a process called feedback regulation. When an individual ingests diets that are high in cholesterol and saturated animal fat, cholesterol enters the body cells and discourages the production of LDL receptors. Through this mechanism a high cholesterol, high fat diet, raises the level of LDL in the blood. But the cholesterol level does not go up in everyone that eats a high cholesterol diet. Everybody can recall some family member who ate three or four eggs a day and lived to the ripe old age of 97. That is certainly true, and that is where genetic differences come in. Some of us have receptors that are very sensitive to cholesterol in the diet. When we even look at an egg our receptors go into hiding. Other people are able to tolerate large amounts of cholesterol without developing a problem.

The goal of our research and that of many others is to try to understand what is the reason for this genetic difference in sensitivity to cholesterol. The revolution in biology, has given us the tools with which to obtain answers to these questions. We have learned a lot about what turns genes on and off and what makes them become more active under one condition and less active under other conditions. We are now at the threshold of being able to understand why it is that so many of us respond differently to different environments. Cholesterol is just one example. I think you will hear later on this afternoon about other examples of diseases that are affected by environmental factors. Whenever you hear about disease remember that the environmental factor always play upon the genes like a pianist playing upon a keyboard, and it is only those people whose genes make them susceptible that get the disease.

Finally, I want to say a word about how this all came about—the revolution in biology that allowed a new understanding of the fundamental processes of life as well as the applied problem of cholesterol and heart attack. This progress resulted from legislation passed by this House; it was the development of the National Institutes of Health and the funding policy that provided constant growth for science that allowed all this to happen. Ninety percent of what I told you about was discovered in the United States of America. Ninety percent of the progress that's been made in this field has been made in American scientific labs. Why? Money has a lot to do with it. How does money do it? Money is important because growth is important in science; it is only by growth that one can allow younger scientists to get into the system. When budgets become constricted, the people who suffer are the people that are just finishing their training, ready to go out and look for a faculty job. Those faculty jobs disappear when support by the NIH disappears. Young people can't go off on their own and start their own laboratories because they can't get a research grant. And so they are forced to work under the tutelage of a mentor for a much longer period. Why is this bad? It is bad because the brilliant ideas in science come from young people. Scientific breakthroughs are achieved often by people who have just finished their training and who are going out with a bright idea and all of the energy in the world. They are willing to work 20 hours a day and to eat, sleep and think nothing but their scientific problems—those young, energetic, bright people are the ones from whom the freshest, the newest, and the most original ideas come. The great genius of the NIH funding system was that it provided money for those people in that crucial time in their career—it was different from any other research sup-

port program in the history of world—at least in biology. In Europe the tradition was that the money goes to the professor and he hires the junior associates. Our system gives the money to young people and encourages them to discover something with it. As funding reaches a plateau, there is no room for new people and new ideas and that is where we all suffer.

If biology were like the Olympics, the United States would have won the gold, silver, and bronze medals in nearly every event over the last 30 years. If only we showed science on television the way we show the Olympics, the American people would be incredibly proud of the way we've led the world. But that situation is changing. Other countries are getting much more intelligent about the way they support research. Our friends from Japan in particular are now beginning to encourage contributions by young people and they are beginning to make all of us sit up and take notice. I think it is imperative that we don't allow the biologic revolution that was started and fostered and energized in the United States to be passed off to others.

OIL DRILLING IN THE ARCTIC NATIONAL WILDLIFE REFUGE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 2, 1991, into the CONGRESSIONAL RECORD:

OIL DRILLING IN THE ARCTIC NATIONAL WILDLIFE REFUGE

One of the biggest environmental issues before Congress this session is whether to allow oil drilling in the Arctic National Wildlife Refuge [ANWR]. Located on the North Slope of Alaska, ANWR is home to a wide variety of plants and animals in a nearly undisturbed state, but it may also contain a large recoverable oil reserve. Efforts in Congress last session to open up ANWR to oil development ended with the Exxon Valdez oil spill. Yet policymakers are again looking at ANWR after the Persian Gulf War highlighted U.S. dependence on foreign oil. Oil drilling in ANWR is a key issue in the new energy package being considered by Congress.

ANWR was designated a national refuge in 1960 and expanded in 1980. It now has a total area of 19 million acres, about the size of Indiana, and is the home to a wide variety of arctic wildlife, including caribou, snow geese, and polar bears. Current law forbids energy leasing in ANWR. President Bush has proposed allowing oil companies to drill on the 1.5 million acre coastal plain of ANWR. This section is located on the Arctic Ocean near the oil production facilities at Prudhoe Bay; its oil would be shipped through the TransAlaska Pipeline.

There is significant uncertainty about the size of the oil reserves in ANWR, as oil companies which have drilled test wells are keeping their estimates secret. But the Interior Department puts the average estimate of reserves at 3.6 billion barrels, with production eventually reaching 600,000 barrels per day. That would amount to 5–6% of total U.S. oil imports by the year 2000. Prudhoe Bay currently produces about 1.5 million barrels per day.

ARGUMENTS FOR DEVELOPMENT

Those who favor oil drilling in ANWR put forth several arguments. First, increasing domestically produced oil will lessen U.S. dependence on unstable foreign sources and help reduce the trade deficit. In recent years, the share of U.S. oil coming from imports has increased from 32% in 1985 to more than 50% today. Many of America's tapped oilfields are nearly exhausted. Oil companies believe that the ANWR area is the most promising U.S. onshore oil prospect. Second, opening up ANWR will allow continued use of the TransAlaska Pipeline and longer production of Prudhoe Bay oil. Without ANWR oil, Prudhoe Bay oil would become uneconomical to produce and ship at lower volumes because of the high operating costs of the pipeline. Third, oil companies have improved their drilling technology, allowing them to space the wellheads closer and to significantly reduce the size of their production complexes. Steps such as limiting most construction work to the winter months when the ground is frozen would help reduce the "footprint" left by oil activities. Fourth, oil company efforts, coupled with tough new federal laws, have significantly improved industry capabilities for preventing and responding to oil spills. Oil industry officials also point out that keeping ANWR closed will mean more imported oil to meet U.S. needs, which will still be shipped through American waters and into American ports. Finally, those favoring development argue that the effects on wildlife in ANWR will not be serious. They argue that the wildlife will adapt to the drilling operations, just as, for example, caribou herds have flourished at Prudhoe Bay despite the development.

ARGUMENTS AGAINST DEVELOPMENT

Those opposed to opening up ANWR to oil development respond with several arguments of their own. First, the amount of recoverable oil in ANWR is fairly small compared to total U.S. oil needs. Even if the reserves are as large as the Interior Department estimates, they would be equivalent to only about 200 days worth of U.S. oil use. Second, the development in ANWR needed to extract and transport the oil would be extensive. Although significant open space would remain amidst the oil production infrastructure, there would be hundreds of miles of roads and pipelines weaving across ANWR as well as large drill pads, service centers, and airports. The nearby Prudhoe Bay oil operation sprawls over 800 square miles and is one of the world's largest industrial complexes. Almost anywhere visitors stand in the Prudhoe Bay area, they can see oil production equipment on the horizon. Third, the undulating coastal plain of ANWR is an area of rare natural beauty. ANWR is one of the wildest habitats of any type left in the U.S.

Many believe that this is the kind of unique national treasure that should be preserved, just as the U.S. does not dam up the Grand Canyon in order to produce hydropower. Fourth, although oil companies would try to restore the region after they leave, the Arctic tundra has a long memory. In some areas, tire tracks marking World War II troop movements can still be seen. Finally, those opposing development argue that a much more constructive step would be to develop alternate fuels and boost conservation and efficiency efforts. Tighter energy standards for autos could save more oil than might be found in ANWR. The increasing difficulty of finding new U.S. oil reserves highlights the need to shift to alternative, more plentiful sources of energy.

ASSESSMENT

The arguments on both sides are strong. This is not an easy call. I am just not sure how much damage will be done by development, and what shape this pristine area will be after the wells run dry in 30 years. Will quickly consumed oil be worth the long-lasting damage? Is it better to try more efficient use of the oil we have and to develop alternative fuels? What has greater value in the long run: what is above the ground or the oil below?

It seems to me that the benefits of the oil alone are not enough to outweigh the risks of development. But the question becomes more complicated in the context of the energy bill under consideration by Congress. Members of Congress who favor opening up ANWR appear willing to grant some major concessions—such as stronger energy efficiency standards—to get it included in the energy bill. So at this stage it may be prudent to wait to see what the energy package contains in exchange for ANWR.

My sense is that the odds are against opening up ANWR to drilling soon. Such a change would most likely be considered only as part of the Omnibus energy package, which face major hurdles in Congress. The energy bill is so far-reaching with so many sections arousing regional and economic sensitivities that it will be difficult to patch together a coalition of Members willing to support it. And without a change in current law, ANWR will remain closed to oil development.

COMMEMORATING THE 50TH ANNIVERSARY OF SHEPPARD AIR FORCE BASE

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. SARPALIUS. Mr. Speaker, I rise today in order to recognize a very special anniversary. This year, 1991, is the 50th anniversary of Sheppard Air Force Base located in my district at Wichita Falls, TX. Sheppard's contributions to the national defense and well-being of the United States sets an example for all U.S. military bases throughout the world. In addition, the fine people of Wichita Falls deserve recognition for all the support they have provided Sheppard over the past 50 years. Sheppard Technical Training Center [STTC] is one of six major training centers operated by Air Training Command. It is considered the most diverse training center in the Air Force. Its primary mission is to provide individual and military technical training for officers and airmen of the U.S. Air Force, Air Force Reserves, Air National Guard, Air Force civilian employees, and other NATO and Department of Defense agencies. As the 50th anniversary celebrations begin this month of October, I would like to tell my colleagues in Congress some of the fine history of Sheppard over the past 50 years.

On April 17, 1941, Army Chief of Staff Gen. George C. Marshall, announced that the U.S. Army would name a new training field north of Wichita Falls, TX, in honor of the late Texas Senator, Morris Sheppard. The new base, known as Sheppard Field, was part of an effort by President Franklin D. Roosevelt to mobilize America's defense capability to meet the

growing military threats from Germany and Japan in 1941. Representatives of the War Department, after various meetings with officials of the city of Wichita Falls, signed a lease on February 1, 1941, giving the Government the right to build and operate a military installation adjacent to the Wichita Falls Municipal Airport. By October 13, 1941, construction had progressed sufficiently for the first class of 400 aviation mechanics to begin training. Four days later, the base was officially dedicated.

Originally, the Army had intended to use Sheppard Field's facilities solely to support aviation mechanic training under the jurisdiction of the U.S. Army Corps Technical Training Command. By mid-July, however, the War Department had broadened the mission of Sheppard Field to include both technical training and basic training. During the war, Sheppard Field provided instruction for medium bomber mechanics—Mitchells and Marauders—glider mechanics, advanced pilot training, and liaison aircraft training for ground officers. In addition Sheppard Field personnel also trained instructors, B–29 engineers, and C–82 transport mechanics. By August 1945, Sheppard Field reached its peak military strength of 46,392 while serving as a separation center for the Army Air Corps. As the war ended and U.S. military personnel were demobilized, the Army found that Sheppard Field had served its purpose, and the base was inactivated. By the day the base closed on August 31, 1946, nearly a half million men had received training at Sheppard Field.

In response to growing international tensions, on August 15, 1948, the Air Force reestablished Sheppard field. The fledgling USAF renamed the facility Sheppard AFB. Sheppard was reopened to supplement Lackland AFB as a basic training center at the time of the Berlin airlift. With the end of the Berlin blockade, the Air Force on April 1, 1949, discontinued basic military training at Sheppard. The base remained open, however, and the 3750 Basic Training Wing was redesignated the 3750th Technical Training Wing. In 1949, HQ ATC transferred the airplane and engine mechanics school, previously assigned to Sheppard Field during the World War II, from Keesler AFB to Sheppard AFB. Today, the 3700 Technical Training Wing is a direct descendent of the aviation mechanics school making it the oldest unit at Sheppard AFB.

Redesignated as a permanent Air Force installation on January 8, 1950, Sheppard's training mission has evolved over the years to keep pace with the rapid development of technology. On January 2, 1957, the Air Force activated the Department of Missile and Space Training at Sheppard AFB to train selected students in electronics, guidance, flight control airframes, and the erection and handling of missiles. On February 17, 1959, the Air Force named Sheppard AFB as the prime center for training on the Titan II and Atlas missile systems. That same year field training became an integral part of Sheppard's training mission when the base assumed responsibility for 53 field training detachments [FTD's].

In addition to technical training, Sheppard once housed a flying wing of the Strategic Air Command [SAC]. In July 1959, the first contingent of the 4245th Strategic Wing arrived at Sheppard. On February 1, 1963, the unit was dissolved and its personnel and equipment incorporated into what became the 494th Bombardment Wing. In October 1965, Sheppard became an undergraduate pilot training base with the assignment of the 3737th Flying Training Squadron (helicopters) from Stead AFB, NV. The 3737th was redesignated as the 3630 Flying Training Wing. Later the same year, the 3630 FTW was equipped with T–37 and T–38 aircraft to train German Air Force pilots, and later expanded to include pilots from other allied nations.

Medical training moved to Sheppard AFB from Gunter AFB at about the same time that helicopter pilot training arrived. In March 1966, the USAF Medical Service School was relocated during the medical buildup resulting from the war in Southeast Asia. Adopting the name "School of Health Care Sciences, USAF" in 1971, the school is the third largest training organization, in terms of graduates produced, at Sheppard AFB.

Mr. Speaker, I would also like to commend Gen. Dale C. Tabor and all of the military and civilian personnel which presently serve Sheppard AFB. The quality men and women which make up Sheppard's work force are among the finest in the Nation and consistently perform at the highest possible level in helping our Nation's military forces to be on the ready for any conflict that may arise. In addition, I would like to salute all of the personnel who have served Sheppard AFB over the past 50 years in helping to make Sheppard the fine military installation it is today.

Mr. Speaker, I hope you and all of my distinguished colleagues in Congress will join me in honoring Sheppard AFB on this very special occasion, its 50th anniversary.

INTRODUCTION OF NATIONAL RED RIBBON WEEK FOR A DRUG-FREE AMERICA

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Ms. HORN. Mr. Speaker, the No. 1 concern of all parents in America today is how to protect their children from the dangers of drugs. As a parent of six, I know this worry well. But no matter how much I, or any other parent, try to protect children from these dangers, the only ones that can stop the use of drugs are the children themselves. They must stand up to the peer pressure and say "no," and the best way to ensure that they do this is through education. If we educate our young people about the dangers of drugs and the effects on the human body, we stand a better chance that they will avoid them.

I am privileged today to introduce a commemorative resolution that I hope will help in this education effort. This resolution will designate the week of October 19–27 as National Red Ribbon Week for a Drug-Free America.

The National Red Ribbon Campaign, located in the Second Congressional District, is a grassroots organization that has worked tirelessly toward the goal of a drug-free America. During this week, the campaign will help communities and local organizations mobilize and hold rallies and events in local schools. They will also encourage people to wear red ribbons to show their support for a drug-free America.

I am proud to join in this fight with many others who have worked tirelessly toward this goal. The National Federation of Parents along with the National Red Ribbon Campaign have done tremendous work and the President and Mrs. Bush have lent time and effort to this fight. Special recognition should also go to Mrs. Nancy Murkowski, chair of the Congressional Families for Drug-Free Youth, for her exceptional work in this area. Without the efforts of these people, we would not have the chance of winning this fight against drugs that we do today.

Swift passage of this resolution will provide important support for the grassroots campaign against drugs around the country. Today, as I introduce this legislation, delegates from the National Federation of Parents are on Capitol Hill to gather support for their efforts. I am sure that they would like to hear of your cosponsorship of this resolution and I invite all of my colleagues to join me as cosponsors.

TRIBUTE TO ANITA J. HALTOM

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. HUBBARD. Mr. Speaker, I take the opportunity to pay tribute to my longtime friend Anita J. Haltom, who died August 12 at Marshall County Hospital in Benton, KY., at the age of 60.

Anita Haltom was an outstanding and admired lady who served her community both in her vocation as well as in her work as a volunteer. She was a retired court reporter for Marshall, Calloway and Livingston Counties in Kentucky.

Anita Haltom was one of the founders of the Marshall County School for Exceptional Children and served on the school's board of directors for 25 years. She also served as a member of the West Kentucky Mental Health-Mental Retardation Board. Anita was a faithful member of the Church Grove United Methodist Church and the Benton Eastern Star, Chapter 305.

She is survived by her husband Joe Tom Haltom, a successful businessman, chairman of the board at the Bank of Marshall County and a former sheriff of Marshall County, and her son Stephen T. Haltom, both of Benton.

My wife Carol joins me in sending our sincere sympathy to the family of Anita J. Haltom.

SADDAM CONTINUES CRIMINAL CONDUCT EVEN TODAY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. WELDON. Mr. Speaker, I rise today to discuss a matter which has faded from the

spotlight for most Americans. At the time of the gulf war, much was made of Saddam's brutal treatment of Kuwaitis. Saddam abused unarmed civilians, subjecting them to unspeakable torture. He also took thousands of prisoners, and shipped them off to prisons in and around Baghdad.

Saddam's criminal conduct continues even today. Most Americans are probably not aware that seven months after Operation Desert Storm over 2,000 Kuwaitis are still being held prisoner in Iraq. The Kuwait Committee on POW's estimates that Saddam still holds 2,216 Kuwait POW's, including 325 women.

We see once again that Saddam has run afoul of U.N. mandate. By holding these prisoners, Saddam is in direct violation of U.N. Security Council Resolution 686, which calls on Iraq to release all foreign nationals held against their will.

Yesterday, I came face to face with the human consequences of Saddam's brutality. I met with 10 Kuwaiti children whose parents are being held prisoner in Iraq. The children ranged in age from 7 to 14 years of age. These young kids have had their lives torn apart; because of Saddam they haven't seen their parents in over a year.

As chairman of the House Task Force on Kuwait, I have worked closely with the Kuwait Committee on POW's and the Kuwait Society to Defend War Victims, a private relief organization, to monitor the progress of the POW issue. The International Red Cross has also been involved in efforts to gain the release of these illegally held Kuwaiti POW's.

Back in July, I introduced legislation, House Resolution 217, urging that all economic sanctions against Iraq be maintained until Saddam releases all Kuwaiti POW's. If my colleagues share my outrage at Saddam's horrendous human right abuses, I would urge them to cosponsor this resolution. House Resolution 217 puts the U.S. Congress firmly on the side of these missing Kuwaitis. I ask for support from both sides of the aisle.

NEWBURGH ENLARGED CITY SCHOOL DISTRICT AND ITS MAGNET SCHOOLS ASSISTANCE PROGRAM

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. FISH. Mr. Speaker, I rise today to praise the Newburgh Enlarged City School District and its Magnet Schools Program. Located in the mid-Hudson Valley that I am privileged to represent, this school district continues to honor its commitment to quality education for all students through its outstanding program of magnet schools.

The school district has once again successfully participated in the federal Magnet School Assistance Program. Two grants they will receive during the 1991–92 and 1992–93 school years, totaling $5 million, will allow them to continue in their impressive development.

For over a decade, Magnet Schools have been the basis of a voluntary integration plan in the city and town of Newburgh and the town of New Windsor. This district, encompassing both urban and suburban areas, provides services to an ethnically and economically diverse population. Magnet Schools have helped maintain a balanced school population by attracting non-minority students to the inner city and drawing minority students to suburban locations. From its origins with programs at three sites—two of which have already been recognized by the U.S. Department of Education as "National Schools of Excellence"—the program will eventually include all of the district's eleven elementary schools and its two secondary schools.

Each of the district's current magnet elementary schools have adopted different themes they have incorporated into their curriculum. They are: Primary Magnet School (K–3), primary; Horizon on the Hudson, gifted and talented; Gardertown, basic/fundamental; Fostertown ECT (Excellence Through Creativity), performing arts; Newburgh Middle Magnet School, interdisciplinary program; South Junior High, communications; Vails Gate High Tech and Gidney Avenue Tech have both chosen computers and technology. The two newest Magnet Schools, Meadow Hill and West Street School, have already chosen their themes. Meadow Hill's is global, while West Street School will concentrate on micro-community matters. The three remaining elementary schools, New Windsor, Balmville and Temple Hill School are all scheduled to be converted to Magnet Schools in the near future, making the Newburgh Enlarged City School District one of only a handful in the Nation to have all its schools under the Federal Magnet Schools Assistance Program.

The Newburgh Enlarged City School District and the community that it serves deserve to be commended for their effort to fully implement a comprehensive magnet schools program. They are a reflection of our larger society, and they provide a model for replication that other school districts would be wise to follow.

TRIBUTE TO MR. FRANK C. COX, JR.

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. SMITH of New Jersey. Mr. Speaker, on October 4, Frank C. Cox, Jr., of Titusville, NJ, will receive the Meritissomo Miembro de Honor—Most Worthy Member of Honor—from the Dominican Rehabilitation Association in the Dominican Republic. The association will confer Mr. Cox with this prestigious citation because of his tireless efforts to eradicate polio in the Dominican Republic and assist an outstanding rehabilitation program for polio-afflicted children.

In 1982, Mr. Cox had the vision to garner material support for a countywide polio vaccination campaign. Days in June and August 1983, were set aside for the massive vaccination day, and the vaccinations have continued with superlative results. Having personally participated in two nationwide vaccination days in Central America, I am keenly aware of the organization and national commitment which are needed for such events to be successful. The results in the Dominican Republic speak for themselves. The disease inflicted at least 250 children in 1982 alone, but since July 1983, only 1 case of polio has been reported.

Through a companion project, Mr. Cox has worked diligently with the Dominican Rehabilitation Association's initiative, "Surgery for Handicapped Children from Low-Income Homes." Providing orthopedic surgery for children who most need the care and who can least afford it, the project has changed the lives and futures of more than 245 children. The contribution of moneys, thousands of volunteer hours, and donations of technical assistance and equipment has made such successes possible.

I commend Mr. Cox for his dedication to these worthy initiatives and join the Dominican Rehabilitation Association in their recognition of Mr. Cox's work. For the record, I ask that Mr. Cox's article, "Foreign Aid at its Best: The Eradication of Polio in Dominican Republic," be printed in full. His account of the campaign against polio in the Dominican Republic is compelling.

The article follows:

FOREIGN AID AT ITS BEST: THE ERADICATION OF POLIO IN DOMINICAN REPUBLIC

This is the most exciting story anyone can tell about any Christian Service project to any group of people at any time at any place.

If you already know that the president of a nearby country of six million people declared a nationwide holiday because of a simple little vaccination, stop reading. But we are talking about our neighbors who live down the street just a hop away.

You see, there was illness in so many families, even of epidemic proportion, from the top of the country to the bottom. Some Americans said that there was exactly one way, and only one way,that the American people could help get rid of the disease that had been plaguing our neighbors. We can call it American Foreign Aid at its best. Another name for it is Love.

To tell you something of the ending we mention background, namely that Dominican Republic had had cases of polio every year, and in 1982, in that little country, there was more polio than in any other country in the Western Hemisphere. The tremendous news is that there has not been one case of polio there since July 1, 1983.

Polio has been completely eradicated through the combined efforts of the Dominican Rehabilitation Association, the Ministry of Health, and with assistance from Church World Service.

Our story begins on a rural farm in Dominican Republic with Eddy, a tiny tot, falling out of bed and crying and calling, "Mommy, I can't get up. My leg won't move." To which his mother called back, "Oh yes you can. You run around with bare feet among the chickens. You get right out here. I'm busy getting breakfast." It is correct that he could not move one leg and he did not make it to the kitchen.

From the battery radio there was a report on the morning news that there was a case of polio five miles away and another one forty miles away. When Eddy's parents took him to the doctor by horse and wagon there was deep anguish for the doctor confirmed that he had polio also.

In some countries the immediate thought that runs through the minds of parents of

children with polio is uselessness. The child, it was thought, will grow up always needing to be waited on, perhaps never going to school, perhaps never able to help himself or herself, probably a ward of society, and surely not able to help parents in their old age. In the poor families there is love but the sick are useless.

It was May, 1982 when a few cases had developed in one small area and it was declared an epidemic. American newspapers reported the prevalence of polio in Dominican Republic. Properly a request was made to Church World Service for 10,000 doses of vaccine on a rush basis.

In the United States polio has been almost unknown for many years and there is only one supplier of vaccine in the country. Material Resources Program, CWS purchased the vaccine which the supplier packed in dry ice and trucked to a plane bound for Santo Domingo where the Ministry of Health had a refrigerated tank ready to receive it. The length of time from request to delivery in the country was less than forty-eight hours, nothing extraordinary, just in keeping with MRP's tradition of immediate service.

It was on July 7, 1982 that a staff member of Church World Service suggested assistance to the Dominicans with the massive undertaking of vaccination of children throughout the country. Dr. Paul F. McCleary made the decision for Church World Service to launch a campaign for all the small children, and to take whatever steps might be necessary to help those children already having polio. He committed resources toward a gigantic health and medical project and, as it turned out, CWS lent aid to the Dominican people as friends and neighbors.

The year 1982 was disastrous for there were 250 reported cases that resulted in either death or a crippled child. In reality there were many more not reported. Especially in those large rural areas where so many families at a time seemed to have eight to twelve children, where poverty was the rule, and where illiteracy was common, high infant mortality was to be expected. In those long stretches of land where there are no telephones or electricity or running water, and where doctors live too many miles away, reports of deaths and serious illnesses are incomplete. A child may die for reasons unknown.

Long before Christmas the people of Dominican Republic were deeply disturbed and were determined that something had to be done about the disease but a countrywide vaccination for all the small children would be difficult.

Mrs. Mary P. de Marranzini, President of the Dominican Rehabilitation Association, herself the mother of a polio son and also a full-time volunteer, played a leading role in organizing committees that would get underway with sound objectives and hard work for all.

Dr. Amigo Perez Mera was the Secretary of State for Public Health and Lic. Angelas Suarez was director of the national campaign. Doctors throughout the country worked diligently with the leaders in preparation for a nationwide vaccination. There was solid coordination between the Ministry of Health and the Dominican Rehabilitation Association in planning to vaccinate all the small children.

The colleague agency of Church World Service was Servicio Social de Iglesias Dominicanas of which Rev. Juan Jose Feliz was Executive Director and Kathryn Wolford was the capable U.S. CWS Representative. They were in a position to tell the other agencies that CWS had oiled its machinery to raise money in order to purchase the vaccine.

The writer, invited by Rev. Feliz, took vacations from CWS in December and then in February, 1983, in order to have talks with Mrs. Marranzini and doctors in the Ministry of Health, and to see a large ward of small children in a hospital. Then there were written two papers on the project entitled "The Children" and "Thy Kingdom Come On Earth."

In the United States CROP in Elkhart and in all the state offices used various means including letters to contributors, CROP walks, and newsletters to raise money beginning in the autumn of 1982 and throughout 1983.

Under date of May 12, 1983 Dr. McCleary issued a direct appeal letter to all CWS contributors and enclosed a photo of a polio child. Although at that time it had not been known in New York how much the vaccine would cost, the estimate from his appeal was that it might cost $500,000 for vaccine alone, but that in addition CWS "will respond to requests for wheelchairs and other rehabilitation equipment for children already afflicted with polio."

It is interesting that Dr. McCleary could look down the road to see the need for rehabilitation for children already afflicted with polio, and that they should be given a chance, a real opportunity, to have whatever care is necessary so they could grow up to help themselves and help others.

In Dominican Republic the Minister of Health invited Dr. Albert Sabin to visit and to give his expert advice with hopes for a successful countrywide vaccination. Speaking to campaign leaders on February 23 and 24, he recommended that vaccination be administered to all children aged three months through thirty-six months. He believed that children aged four and five may be immune because of exposure to epidemics. He strongly recommended house to house vaccinations rather than for children to be brought to doctors and hospitals.

In March Dr. Sabin performed the greatest service to the entire campaign. Recognizing the need for all small children to be vaccinated in the entire country, and recognizing also the poverty and conditions in the country, Dr. Sabin went to Sclavo in Siena, Italy to ask that company, the largest manufacturer of polio vaccine, to make vaccine available at less than cost. After several weeks Sclavo made a generous donation from its philanthropic account and the net cost for the vaccine, including air freight from Rome to Santo Domingo, was $.0205 per dose.

The Ministry of Health divided the country into 50 regions and the plan established was for there to be one or two volunteers for about 50 households and a supervisor for each ten volunteers under a regional coordinator. More than 600,000 registration cards were printed showing region number, child's number, and dates for vaccination of polio and also other diseases.

The Ministry of Health established June 18 and 19 and August 13 and 14, 1983 as dates for the long-awaited house to house vaccination and the entire country prepared for this event. The government provided 2,600,000 pesos for the implementation of the program. Let us not forget the countless hours which so many worked in Dominican Republic with feverish pitch in order to bring about vaccination for all the small children.

Would there be enough volunteers? Thousands upon thousands all over the country flocked to the various area headquarters. There had to be a certain amount of training for the vaccinators and they had to be intelligent.

Numerous public and private institutions hardly had to be asked to assist the project. There were offers of transportation and people were spreading the word.

Material Resources Program, CWS, purchased 601,000 doses of the vaccine through Sclavo, as planned, and the parent company packed it as refrigerated cargo and it departed from Rome for Madrid, where another plane with refrigeration space took the vaccine for its giant hop across the ocean to Santo Domingo where it arrived on May 19 at 6:30 P.M. The Dominican Army met the plane with refrigeration tanks and it became the property of the Ministry of Health. The representative from CWS and members from SSID and the Ministry of Health served as a welcoming committee to greet the arrival at the airport.

This vaccine was for June 18 and 19 only. Another shipment was made for August 13 and 14.

In the spring of 1983, personnel in the Dominican Rehabilitation Association and the Ministry of Health asked themselves if they were dreaming and would everything go all right. They asked themselves if it was true that the dreaded polio could and would be eradicated. After all, polio had to be arrested. Polio was wanted for murder.

The planning was daily and frequently hourly. The newspapers were carrying more articles on the forthcoming vaccination. The loud radios were carrying announcements. Day by day things were taking shape and everybody involved was gearing toward everything's being ready.

Finally there was a president decree. President Blanco declared Saturday, June 18 and Saturday, August 13 holidays with all government offices to be closed. Stores and offices closed as well. That is how important it was for the people of the Dominican Republic. People were asked to stay home and keep their children home. This would be a new day for the Dominicans and polio would be conquered.

Anticipation was total and beyond belief. The morning of June 18 arrived and 20,000 men and women—ministers, priests, teachers, college students, doctors, nurses midwives, housewives and others—fanned out in this country and went house to house with the sugar cube and vaccine purchased by Church World Service, and on that day and on June 19, gave the oral vaccination to approximately 544,000 children, ages three months through thirty-six months.

President Blanco himself, setting an example, also gave the oral vaccine to twenty-seven small children.

Throughout the country there were some, for religious and other reasons, who refused vaccination and no one was forced to accept it.

On August 13 and 14 the process was repeated and it was established that about 600,000 children were vaccinated, most for the second dose.

Every house visited was marked with a sticker and the registration card for each child was completed. The card, because of places for entries for dates of vaccinations of DPT and others, might have been called a child's medical social security card.

Church World Service paid for the polio vaccine for 1983, 1984, and through June, 1985.

Although there were many deaths from polio, and no one really knows how many died because of deaths for reasons unknown,

there are still so many children who survived the epidemic year of 1982 as well as previous years. All were crippled in some way for polio strikes hard.

Most of the children have been from the slums or from poverty-stricken homes. They are now older and they have grown, but every child with polio has a market disability. Some walked to school and some were carried to school, and it was feared that some would never go to school as long as they live. As they have grown they have not been forgotten.

Beginning late in 1987 the Dominican Rehabilitation Association started the project Surgery for Handicapped Children from Low-Income Homes. This project has included so many of the polio children as well as some others requiring orthopedic surgery. Many of the children require two and three surgeries.

Problems persist. Some are malnourished and some are anemic. One must think not only of the home from which the child comes, but also the therapy that will be required and the home to which the child returns.

Nevertheless, it is interesting to report that through December 31, 1990, 198 children, all from the poorest families, have had surgery with expenses of $28,671.36.

The donors of money are Americans from just a few American churches. These are Love Gifts as neighbors and friends to Dominicans who need assistance.

The Americans recognize the immense amount of time given as volunteers to help their own Dominican people. The surgeons, for example, charge approximately 10% of their normal fees in order to help the poor, handicapped children.

Americans and Dominicans, working together, know that surgery is just the beginning of this process, for we, like them, want to see the children go to school and to grow up to be useful and to be able to help themselves. Every child from one of these poor homes and requiring surgery is followed every three months or six months by a social worker, and this process continues until the child is able to help himself or herself.

So there was the polio epidemic of 1982 and the house to house vaccinations of June 18 and 19, 1983 and August 13 and 14, 1983. There have been vaccinations for all the infants and newcomers every year since, and no polio.

Americans assisted with the purchase of the vaccine, and Americans have been assisting the polio children with surgery and wheel chairs and braces, for this program is the aftermath of polio.

The people in Dominican Republic no longer have to fear having polio cases every year for the dreaded polio is gone forever. American assistance since 1982 may be called Helping Our Neighbors, or Love, or Foreign Aid at Its Best.

IMPROVEMENT OF INFORMATION ACCESS ACT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. OWENS of New York. Mr. Speaker, yesterday I introduced legislation (H.R. 3459) which is designed to assure that decisions by the Federal Government about the vast store of information it collects, maintains, and disseminates are fully accountable and responsive to the people who paid for that information in the first place—all Americans.

H.R. 3459, the Improvement of Information Access Act, is based on the simple, irrefutable premise that Government information belongs to the people. Americans pay billions of dollars in taxes every year to support the Federal Government's enormous information-gathering and -disseminating enterprise and they must be heard in the critical decisions over access to that information. It is the people's information and all Americans must be given the opportunity to participate meaningfully in discussions concerning the collection, use, and dissemination of that information.

A FRAMEWORK FOR DECISIONMAKING

H.R. 3459 does not micromanage agency decisionmaking, and it does not resolve many policy disputes concerning access to Government information, including the extent to which such information should be privatized. What the IIA Act does do, however, is establish a framework for making policy on access to information resources which assures continuing public participation in these critical decisions. it emphasizes the process for making decisions, focusing on issues of paramount concern to data users, but does not dictate the results.

WHAT H.R. 3459 WILL DO

H.R. 3459 will encourage the use of modern information technologies, prevent agencies from using high prices to limit access to public information, emphasize the importance of standards in making Government information easier to obtain and use, and require Federal agencies to open dialogs with citizens about information dissemination policies and practices.

It will require Federal agencies to store and disseminate information products and services in standardized record formats and disseminate information products and services through computer networks and other outlets, when appropriate. It would set the price of information products and services at the incremental cost of dissemination of the information. Royalties or fees for the redissemination of information are prohibited.

H.R. 3459 will also require Federal agencies to carry out an ongoing dialog with the public about information dissemination policies and practices. Agencies will be required to issue annual reports which describe agency policies and practices on a wide range of information management issues, including plans to introduce or discontinue information products or services, the development and adoption of standards for file and record formats, software query command structures, and other matters which make information easier to obtain and use, the creation and dissemination of indexes and bibliographies that describe agency information products and services, the modes and outlets used to disseminate information to the public, and provisions for protecting access to records stored with older technologies.

The public will be given an opportunity to review this report and provide the agency with comments on a number of items, including the types of information the agency collects and disseminates, the methods and outlets the agency uses to store and disseminate information, the prices the agency or other outlets charge for the information, and the validity, reliability, timeliness, and usefulness of the information. Federal agencies will keep these comments in a public file and will be required annually to summarize the comments and describe their responses.

Finally, H.R. 3459 will also require the Archivist of the United States and the Director of the National Institute of Standards and Technology [NIST] to issue model standards for the timeliness by which agencies shall provide the public with copies of press releases, agency decisions, docket filings, and other public documents.

A SENSIBLE LIMIT ON THE PRICING OF GOVERNMENT INFORMATION

One of the central provisions of the IIA Act is its requirement that the price of Government information be limited to the incremental cost of dissemination. This provision is necessary because many Federal agencies have abandoned historic policies of charging the public no more than duplication and handling costs for information. In some cases, arrogant bureaucrats have set the price of Government information at a level which was specifically designed to discourage general public access; in other cases, agencies have tried to generate some extra income for themselves by selling Government information. The desire of some Government agencies to find new and creative gimmicks to raise additional revenue is understandable in these budget-conscious times. But nickel and diming taxpayers for Government information they have already bought and paid for is not the way. It's like buying a new car and then being asked to pay the car dealer anytime you want to actually drive it. Government information belongs to the people and they should not have to pay for it twice.

Even more importantly, the exorbitant pricing of Government information strikes at the heart of our democratic freedoms. The right to know is the essence of self-government. As Christopher Harvey of the Advocacy Institute once eloquently explained:

The Founding Fathers created a constitutional system which mandated that knowledge and ideas be allowed to flow freely. They were idealists who believed that action flowed from knowledge, and that freedom required that no one interfere with the knowledge that informed such action. In short, they understood that informed citizens opinion was the cornerstone of democratic self-government.

All Americans have the right to know—not just to those who can afford to pay for it.

Instances in which agency pricing decisions have curbed public access to information abound. For example, researchers who want to study policies of Federal bank regulators must pay $500 for a Federal reserve quarterly "Bank Call Report," which is stored on a computer tape that costs around $10. One college undergraduate writing his senior thesis was told that 40 quarters of this information would cost $20,000. Researchers in economics say that the high price of this Federal information has greatly restricted academic research on the relationship between Federal regulation and bank failures. Taxpayers, who have been asked to spend hundreds of billions of dollars on bailouts for the savings and loan and commercial banking industries, should be concerned that information about bank liquidity has become very costly to obtain.

Other Federal agencies are also attempting to cash in on public information that has mar-

ket value. The Bureau of the Census now charges as much as $250 for a single CD–ROM of information, even though the cost of duplicating a CD–ROM is less than $2. In some cases, agencies use price to reward political friends and discourage political foes. For example, the U.S. Department of the Interior has told researchers that it would charge either zero or $250 for a tape of computer data on oil and gas lease sales, depending upon whether or not the researchers would agree to withhold criticism of the agency's policies.

Congress needs to make clear to Federal agencies that the public should pay no more than the incremental costs of dissemination to receive Government information. A failure to do so will invite even more abuses than those already occurring. As the Federal government continues to deal with its perennial fiscal crisis, agencies will scrounge for additional citizen user fees, and the public will be nickeled, dimed and quartered for access to Government information. Agencies will be free to use price to limit public access to databases that are politically sensitive, and the public will be divided into those who can afford access to Government information, and those who cannot.

Citizens, as taxpayers, will continue to pay the bulk of the expense for creating Federal information, but access to the information will be rationed to the most affluent. This outcome is outrageous and unfair.

THE NEED FOR PUBLIC PARTICIPATION IN AGENCY DECISIONS

Federal agencies are also often insensitive to citizen requests for new information products and services. For example, the Department of Commerce operates the Economic Bulletin Board [EBB], which offers low-cost access to the public to more than 1,000 data files from dozens of Federal agencies. While the EBB is a fine service, there is always room for improvement. One user of the EBB recently asked the Department of Commerce to provide access to the appendices from the Economic Report of the President. The Department of Commerce not only ignored the request, it also refused to allow the user to post a message asking other users of the EBB to name economic data that they would like to see on the EBB. Subsequently, ninety economists and journalists asked that the EBB be expanded to include the Department of Commerce's National Trade Data Bank [NTDB], a large database it currently sells on CD–ROM. The Department of Commerce asserted that this would be a difficult and costly task, despite ample evidence that electronic bulletin board systems can easily be modified to support CD–ROM technology.

An academic research studying the impact of exchange rate movements on manufacturing employment has on three occasions paid $700 for a magnetic tape of county-level employment statistics from the Bureau of Labor Statistics [BLS]. The source of the information is the BLS ES–202 program, which collects information in connection with Federal support for unemployment insurance. The agency asserted the high price was justified by the costs of custom programming for the information. The researcher asked BLS to consider offering the county-level employment statistics as a standard product, which would lower the price of the information to around $70, a tenth of the present charge. The lower price would reflect the savings to BLS from avoiding custom programming.

According to the data user, the BLS ES–202 program is the only source of timely employment data at the country level, and there would be a substantial demand for the product if it was priced lower. BLS officials are still considering this request, but they have indicated that they do not feel obligated to create such products, regardless of public demand, since the provision of the information products would be ancillary to their primary mission, which is the administration of the ES–202 program. Indeed, the $700 charge for the custom tape seems to be far in excess of BLS's actual costs, and agency personnel privately concede it is used as a deterrent to those who would distract agency personnel from their primary mission.

In another case, the Department of Commerce has long refused to make important changes in its annual survey of building permits. Specifically, the Department of Commerce has refused to include any questions about the square feet of building permits issued, even though the Department requires local governments to report the number and value of building permits issued. According to industry and academic research personnel, the square feet statistic is a far more useful and valuable statistic than either the number or the value of permits.

Recently 33 real estate professionals and economists asked Congress to press for changes in the Department of Commerce's building permit survey. Officials from the Department of Commerce have since asserted that there has never been any interest in the square foot statistic, and furthermore, that the so-called Paperwork Reduction Act prohibited them from including questions about the square feet of building permits because that statistic is now provided by the private sector. What the Department of Commerce did not mention was that the private sector source of this statistic is a single firm, McGraw Hill's F.W. Dodge Company subsidiary, that copyrights the information, restricts disclosure of the data, and for a history of county-level statistics charges as much as $200,000.

The failure of the Department of Commerce to provide a publicly available source for this statistic has denied virtually all academic economists and many business economists the opportunity to carry out even the most basic research into the supply and demand characteristics of commercial real estate markets. Real estate professionals claim that this limited availability of the data was a contributing factor to the disastrous crashes in commercial real estate markets in recent years. Research on energy consumption and conservation has also suffered.

In yet another example, the Securities and Exchange Commission [SEC] is spending more than $50 million of taxpayer money to develop the Electronic Data Gathering, Analysis and Retrieval [EDGAR] system, which is the SEC's new computerized records system. Academic researchers would like to purchase elements of this database on CD–ROM to study problems in finance and industrial organization, but the SEC will only sell the records on paper or microfiche, which cannot be read by a computer. Journalists would like remote online access to the EDGAR system, but SEC officials have designed a system that will provide public access only in three public reading rooms. The SEC has never asked the public to describe the uses it has for the SEC's disclosure records or allowed the public the opportunity to debate the merits of remote access. As a result, the public and most Government officials will have to pay commercial firms to search this Government database.

Dozens of Federal agencies spend the taxpayer's money to produce research abstracts. Most of these research abstracts could be searched by a single software program, if they were sold in standardized record formats. Despite enormous public demand for CD–ROM products and online searching services, most agencies disseminate the information only on computer tapes, which are difficult and expensive to use. Many agencies claim to be ignorant of the public interest in CD–ROM products or online searching services. The absence of a coordinated Federal effort to provide standards for publishing such research abstracts has led to fragmented marketing efforts, a confusing array of software interfaces, and high prices paid to commercial data vendors who repackage this taxpayer-funded information for sale to the public. The primary groups that pay these high prices are school and public libraries all over America, who are also being hit by declining state, local, and Federal support for library services. As a result, fewer Americans can afford to learn about research funded by their own tax dollars.

The Patent and Trademark Office [PTO] is spending hundreds of millions of dollars to develop its Automated Patent System [APS], which will provide online searching of U.S. and foreign patents to some 1,500 Federal patent examiners. Lawyers who litigate patent disputes, scientists who want to study patented inventions and educators who want to use patents to teach science courses have all expressed interest in obtaining online access to this database, but the PTO has not made any attempt to survey the public's interest. As is often the case, members, of the public have no obvious way to provide public comments on the agency's policy restricting access to its databases.

In these and in many other cases, H.R. 3459 is needed to force agencies to consider the public interest in information management policies. The Federal government has grown large and complex. It is extremely difficult for a professor in Texas, a school teacher in Seattle, a journalist in New York, or an entrepreneur in Montana to find the individual, committee, or agency that has the jurisdiction to resolve information access issues or the inclination to listen to suggestions from the public. Citizens should not be required to belong to specialized trade associations or hire high-priced Washington lobbyists to make simple suggestions or comments on agency policies and practices related to public access to Government information.

As stated in the findings of H.R. 3459, it is unnecessarily difficult for citizens to make constructive suggestions about agency policies on the dissemination of Federal information.

Agencies are often ignorant of important issues regarding information dissemination technologies and standards, and the public interest in agency information resources. H.R. 3459 provides straightforward framework for the agencies and the public to communicate about agency policies for the dissemination of Federal information resources. The bill will ensure that Federal agencies take citizen concerns into consideration as they manage vast Federal information resources.

H.R. 3459 is written to be flexible concerning rapidly emerging technologies. By requiring annual reports and public comments, H.R. 3459 will emphasize the need for ongoing attention to incremental changes in information management policies and practices, as markets, technologies, and standards change. It will be a tool to promote dynamic progress toward better information management policies.

Agencies will be free to ignore public comments and suggestions for any reason they choose, including economic or technical feasibility, but they will require to engage in a debate over their policies. Under H.R. 3459 it will be much easier to the public to learn about and speak out about agency policies. I am confident that this process will lead to much broader public access to Government information.

Finally, H.R. 3459 will address the problem of declining service for routine access to agency press releases, regulatory decisions, docket filings, and other public documents. While a decade ago it was a simple matter to ask a Federal agency for a copy of such documents, today it can be an ordeal. Some federal agencies take weeks to provide copies of documents by mail, forcing the public to rely upon high-priced private expediters for time information about Federal agency activities. This makes it far more difficult for citizens and public interest groups to monitor the activities of regulatory agencies and increases the risk that regulators will become captives of the industries they regulate. H.R. 3459 requires the heads of the National Archives and Records Administration [NARA] and the National Institute of Standards and Technology [NIST] to issue standards for the level of service to be provided to the public for access to such public records. These standards, benchmarks against which agency operations will be judged, will make it easier for citizens to press for improved agency policies and practices.

HOW THE ACT WOULD RELATE TO OTHER LAWS AND REGULATIONS

In closing I will offer a few comments about the relationship between H.R. 3459 and the Freedom of Information Act [FOIA], OMB Circular A–130, and the Paperwork Reduction Act [PRA].

The Freedom of Information Act establishes the principle that taxpayers are entitled to have access to documents that are in the possession of Federal agencies, with limited exceptions due to privacy, law enforcement, trade secret, or national security grounds. Despite many attempts to weaken FOIA, it remains one of the most powerful legislative tools to prevent agencies abuses in the area of the public's right to know.

As written, FOIA is not the solution to all problems concerning access to Government information, however. For example, courts have held that sections of FOIA do not apply to documents sold by Government agencies as publications. More important, however, is the fact that FOIA can only be used to request documents after they exist. The public's right to know depends greatly upon agency policies regarding publications. Press releases, newsletters, annual reports, and special periodicals are often key to understanding agency operations, policies and practices. It is far more difficult to obtain Government statistics under a FOIA request than to purchase a standardized report or publication that reports the information and provides explanations about the sources and methods of the information. It is one thing for the Department of Transportation to gather statistics regarding vehicle safety and yet another matter for the agency to disseminate the information in a usable format.

H.R. 3459 specifically addresses the development of Government information products and services and allows citizens to have greater say over how agencies publish and disseminate information. H.R. 3459 is needed to develop better ways of insuring the public's right to know.

OMB Circular A–130 is the administration's policy regarding the management of Federal information resources. This controversial circular is best known for its ill-advised requirement that Federal agencies place "maximum feasible reliance" upon the private sector to disseminate Government information. While the complete language of the circular is complex, the tone of the circular has been widely interpreted as a call to privatize the dissemination of Federal information resources. Among the mechanisms for doing so are requirements that Federal agencies ensure that existing and planning major information systems do not unnecessarily duplicate information systems available from the private sector. The single-minded focus of Circular A–130 on the issue of privatization was unfortunate, as the circular lacked a framework to resolve many other information management issues. Moreover, many Federal agencies were deterrent from solving even simple problems about data formats and standards, in order to avoid the appearance that the agency was considering policies that ran contrary to privatization.

Three proposals to reauthorize the Paperwork Reduction Act [PRA] have contained sections that would mimic OMB Circular A–130's attempts to discharge federal agencies from competing with the private sector. These include H.R. 3695, which passed the House of Representatives in 1990, and S. 1044 and S. 1139, which were introduced this year. While the language of these proposals are often marginally different from that used in OMB's Circular A–130, they have been widely interpreted to accomplish the same purpose. For this reason, library organizations, such as the American Library Association, have opposed the information dissemination sections of these bills.

Rather than focusing on issues related to privatization, H.R. 3459 takes a broader, more balanced approach. H.R. 3459 addresses legitimate private sector concerns about adequate public notice of agency policies, but it broadens the occasions upon which public notice is given and comments are received. While A–130 and the three bills to reauthorize the PRA only provide for public notice and comment when issues of privatization are at stake, H.R. 3459 makes public notice and comment an annual event. Moreover, the statutory language describes a broad range of issues that concern the public as users of Federal data bases.

WHO WOULD BENEFIT FROM H.R. 3459

The constituency for H.R. 3459 should include all citizens and organizations who support the public's right to the best access to Government information that is technologically and economically feasible. If you believe, as I do, that the Federal Government has moved too slowly to adopt modern technologies to broaden public access to Government information, you should support H.R. 3459. The approach outlined in this legislation is needed to jump-start a revolution in citizen access to public records.

As a librarian, I am proud of the leading role professional library organizations, such as the American Library Association, have played in focusing attention on the important role that agency publishing efforts play in protecting the public's right to know. This role has come naturally to the library community, because its very mission is to serve the public and promote the spread of knowledge. Libraries are also the largest consumers of information products and services. They are keenly aware of the impact of ill-advised privatization schemes that save a few dollars in direct publishing expenditures, at the cost of large increases in indirect expenditures on data purchases. H.R. 3459 will make it easier for this group to lend their considerable expertise to debates over Federal information management policies.

Another important group that has sought to expand the public's right to know is the Center for Study of Responsive Law's Taxpayer Assets project. This project was started by Ralph Nader to investigate the management of public assets, including Federal information resources. The Taxpayer Assets project has investigated a large number of cases where citizen access to Government information has been frustrated by poorly thought-out privatization initiatives and failures to develop standards and use innovative information technologies. These investigations have added a much needed economic analysis to the debate over Federal information management practices, and they have changed the way many experts think about policy options. Among the many important contributions this group has offered is the insight that the Federal Government itself is often a consumer of its own information, and that the same policies that have led to access barriers for the public have made it difficult and expensive for Government employees to search their own records. The Taxpayer Assets project will undoubtedly use H.R. 3459 to ask agencies about waste and inefficiencies that often occur when Federal agencies are forced to buy back their own data from commercial vendors.

Of course, many commercial firms that redisseminate Federal information with value-added enhancements have also been strong supporters of agency efforts to use new and innovative methods to deliver Government information to the public. The Department of Commerce's Economic Bulletin Board is wide-

ly used by private firms that need immediate access to time-sensitive information. Firms that sell data bases on real estate markets will use H.R. 3459 to prod Federal agencies to improve Government-funded surveys on these topics. Developers of Geographic Information Systems will use H.R. 3459 to encourage agencies to adopt common standards for cross-referencing tabular data by its geographic coordinates. Small businesses will use H.R. 3459 to identify better ways to obtain access to the National Trade Data Bank, Customs records, transportation tariffs, IRS rulings, and other useful Government records.

Data vendors, citizen groups, and academic researchers will use H.R. 3459 to tell Federal agencies about the scientific and social value of information contained in Federal computer data bases, and will encourage agencies to provide new standardized information products and services. Many Federal agencies do not appreciate the value of the information they possess. Often Federal agencies collect information for one purpose, without any appreciation of the uses of that information to others. For example, some citizen groups will be interested in asking the Department of Transportation to develop very specific information products that organize vehicle safety data in a more meaningful way. Labor unions may ask the Occupational Safety and Health Administration [OSHA] for information products that will be used to investigate particular relationships between worker health problems and job or employer characteristics. The Internal Revenue Service may be asked to publish regular reports that show trends in income distribution, stratified by race, gender, age, or other characteristics.

As more and more Government records become automated, new and exciting questions should be asked about the information products and services that should be available from Federal agencies. These new technologies should lead to new ways of looking at information, because more will be possible. Not only will it be cheaper and easier to produce new information products and services, but the staggering drop in the costs of computing and data storage have made it possible to manipulate these data in ways that were unthinkable a decade ago.

If Federal agencies are required to price Government information products and services at no more than their incremental costs of dissemination, and if the public is free to redisseminate the information, there will always be an important role for firms that provide value-added services. We know this is true, because for the past 200 years, the first amendment to the U.S. Constitution has been the best protection in the world for the information industry.

Attempts to privatize the dissemination of Government information have not led to increased public access to information. Rather, these efforts have led to a paralysis in the Federal Government. Every time there is an opportunity to use computer technologies to disseminate Government information, there is first a fear the agency will be criticized. This has crippled initiative, deterring agencies from opening dialogs with the public. Agencies anticipate severe constraints on their mandate to disseminate information, and they are embarrassed to acknowledge these constraints to data users. By opening a public dialog, H.R. 3459 will overcome this shame and bring the debate back to the genuinely interesting questions about the management of Federal information resources.

If, as I expect, H.R. 3459 leads to a proliferation of new agency information products and services, it will also lead to many new opportunities for firms that use, analyze, and add value to the information. It will benefit the private information industry. It will also benefit the public who receives the information, regardless of whether the information is obtained directly from Federal agencies or from private concerns that offer value-added enhancements.

No group in America has a stronger interest in the passage of H.R. 3459 than the news media. Reporters are intensive users of Government information, and they rely upon sources who need access to Government information. The free flow of information is a vital ingredient to a free press. I encourage professional news organizations to endorse H.R. 3459 and other efforts to make Government information easier and less expensive to obtain.

I look forward to working with all of these constituencies to further refine H.R. 3459 and to press for its enactment into law.

The text of H.R. 3459, the Improvement in Information Access Act, follows:

H.R. 3459

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 "Improvement of Information Access Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) A well-informed citizenry is essential for the well-being of a democratic society.

(2) Access to Government Information is essential for citizens tho seek to make the Federal Government accountable for its actions.

(3) The public should have timely, complete, equitable, and affordable access to Government Information.

(4) Federal agencies should use modern information technology for the benefit of citizens of the United States.

(5) Government information is a national resource that should be treated as a public good.

(6) Government information is a valuable economic asset that belongs to the public.

(7) Taxpayers pay for the creation, collection, and organization of Government information and should not be required to pay excessive fees to receive and use that information.

(8) It is unnecessarily difficult for citizens to provide federal agencies with comments and suggestions on Federal information policies. As a result, many Federal agencies do not take into account the public interest in the information resources they manage.

(9) Federal agencies have been slow in developing standards for record and file formats, software query command structures, and other important topics that will make Government information easier to obtain and use.

(10) Many Federal agencies do not provide timely access to Government information at reasonable costs.

SEC. 3. IMPROVED PUBLIC ACCESS TO GOVERNMENT INFORMATION.

Section 552 of title 5, United States Code, is amended by adding at the end the following:

"(g) Each executive department, military department, and independent establishment shall prepare by not later than February 1 of each year, and make freely available to the public upon request and at no charge, a report which describes the information dissemination policies and practices of the department or establishment, including—

"(1) plans of the department or establishment to introduce new information products and services or discontinue old ones;

"(2) efforts of the department or establishment to develop or implement standards for file and record formats, software query command structures, and other matters that make information easier to obtain and use;

"(3) progress of the department or establishment in creating and disseminating comprehensive indexes and bibliographies of information products and services, including coordinated efforts conducted with other agencies;

"(4) the methods to be used by the public for accessing information, including the modes and outlets available to the public;

"(5) provisions for protecting access to records stored with technologies that are superseded or obsolete;

"(6) methods used to make the public aware of information resources, services, and products; and

"(7) a summary of the comments received from the public under subsection (h) in the year preceding the report, and the response of the department or establishment to those comments.

"(h)(1) Not later than February 1 of each year, each executive department, military department, and independent establishment shall publish in the Federal Register, and provide in such other manner as will notify users of information of the department or establishment a notice of—

"(A) the availability of the report prepared under subsection (g), and

"(B) a period of not less than 90 days for submission by the public of comments regarding the information dissemination policies and practices of the department or establishment, including comments regarding—

"(i) the types of information the department or establishment collects and disseminates,

"(ii) the methods and outlets the department or establishment uses to store and disseminate information,

"(iii) the prices charged by the department or establishment, or such outlet, for the information, and

"(iv) the validity, reliability, timeliness, and usefulness to the public of the information.

"(2) Comments received under this subsection by a department or independent establishment shall be available for inspection to the public.

"(i) Before discontinuing an information product or service, an agency shall—

"(1) publish in the Federal Register, or provide by other means adequate to inform users of information of the agency, a notice of a period of not less than 120 days for submission by the public of comments regarding that discontinuation,

"(2) include in that notice an explanation of the reasons for the discontinuation, and

"(3) consider comments received pursuant to the notice.

"(j) Each agency shall—

"(1) disseminate information in useful modes and through appropriate outlets, with adequate documentation, software, indexes, or other resources that will permit and broaden public access to Government information;

"(2) store and disseminate information products and services in standardized record formats; and

"(3) use depository libraries, national computer networks, and other distribution channels that improve public access to Government information.

"(k)(1) Except as specially authorized by statute, an agency shall not—

"(A) charge more than the incremental cost of disseminating an information product or service; or

"(B) charge any royalty or other fee for any use or redissemination of Government information.

"(2) For purposes of this subsection, the incremental cost of disseminating an information product or service does not include any portion of the cost of collecting, organizing, or processing information disseminated through the product or service.

"(l)(1) The Archivist of the United States and the Director of the National Institite of Standards and Technology shall jointly issue and periodically revise model performance standards under which agencies shall be encouraged to provide access to public records.

"(2) Standards issued under this subsection shall include the establishment of a period within which an agency, upon request, shall provide by mail or other means a copy of any decision, rule, notice, docket filing, press release, or other public document of the agency.".

SEC. 4. STANDARDS FOR ACCESS TO PUBLIC RECORDS.

The Archivist of the United States and the Director of the National Institute of Standards and Technology shall jointly issue model performance standards for providing access to agency records, under section 552(1) of title 5, United States Code (as added by Section 3), by not later than 1 year after the enactment of this Act.

SUPPORT FOR UKRAINIAN INDEPENDENCE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. RITTER. Mr. Speaker, I rise today to ask my colleagues to support House Concurrent Resolution 212, legislation that I introduced yesterday urging the President to recognize Ukraine's independence and to take steps towards diplomatic recognition of the Ukrainian Government. A few days after the ill-fated coup attempt in the USSR, on August 24, 1991, an extraordinary session of the democratically-elected Ukrainian Parliament proclaimed the independence of Ukraine and the creation of an independent democratic Ukrainian State. The independence declaration stressed the indivisibility and inviolability of the territory of Ukraine and the exclusive validity of the Ukrainian Constitution in Ukraine.

This declaration—reflecting the aspirations of the long-suffering and long-repressed people of Ukraine—is a milestone in not only the history of Ukraine, but in the history of the world. Resource-rich Ukraine, with its 52 million people, represents a potential economic powerhouse. With the shackles of the center removed, Ukraine, at long last, will have the ability to realize its human, cultural and economic potential and to contribute in a meaningful way towards the development of the community of nations.

Mr. Speaker, it is in our national interests to assist Ukraine in their peaceful and democratic transformation to independence and to facilitate this process. Clearly, we benefit by having a stable, democratic and prosperous friend in that region of the world. Moreover, by supporting Ukraine's independence, we remain true to our values and our traditional support for freedom and self-determination. All too often in the past, this support was rhetorical.

This resolution, Mr. Speaker, calls upon the President to recognize Ukraine's independence. It would also encourage the President to undertake steps with a view towards the establishment of full diplomatic relations with the democratic Government of Ukraine following the December 1, 1991, Republic-wide referendum called to confirm the independence declaration.

What gives our recognition heightened importance is that Ukraine's path towards self-determination has been peaceful and purposeful. It has been democratic. It has been based on Helsinki Final Act principles that recognize human rights and the rights of national minorities. Clearly, Mr. Speaker, Ukraine, thanks to the efforts of the democratic opposition and especially the Popular Movement of Ukraine [Rukh] is making good faith efforts towards becoming a democratic State based on the rule of law. Nevertheless, there is no question about the fact that Ukraine, and, for that matter, all of the other republics of the former Soviet Union, still have a long way to go. The most significant obstacle is the economic and psychological devastation of 70 years of Communist rule. And it will take time and effort to help Ukraine overcome the legacy of this rule and to permanently dismantle the still powerful remnants of the older order. That is why this resolution also calls for United States assistance, trade and other programs to support the Government of Ukraine and encourage the further development of democracy and a free market economy.

Mr. Speaker, I urge my colleagues to support this resolution. It is in our national interests to support Ukraine's freedom at his time and it is the right thing to do.

LET'S UNLOCK THE "SECRET BENEFIT" TO FIGHT HIGH MEDICARE COSTS

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. McDERMOTT. Mr. Speaker, 3 years ago the Congress took a major step to make health care more affordable to older Americans. The Qualified Medicare Beneficiary Program, enacted in 1988 and improved in 1990, was meant to pay Medicare costs for more than 4 million low-income elderly and disabled Americans. But, because of State budgetary pressures and the indifference of the agencies responsible for the program, these benefits are reaching only half of those eligible. That is why the Qualified Medicare Beneficiary Program has been aptly called the secret benefit.

The secret benefit is simply this: Medicaid will pay the Medicare premiums, deductibles, and copayments for beneficiaries whose incomes are below the poverty level and whose assets are less than twice the level required to qualify for Supplemental Security Income. That means an elderly or disabled person with an annual income below $6,620, or a couple with an income below $8,880, and assets below $4,000 for an indivdual or $6,000 for a couple (not including a home, a car, life insurance, or burial space) should have no out-of-pocket costs for health services covered by Medicare.

Forcing 4 million Americans who live in poverty to pay Medicare costs is forcing them to choose between health care, housing, and food. That is why last year, when we increased the Medicare part B deductible for the first time in 8 years, we also passed legislation making the Qualified Medicare Beneficiary Program avaliable to more people.

But a benefit helps people only when they can obtain it. Too many eligible citizens are unaware of this program. Too many do not know how to apply. State governments, which would have to pay part of the cost, have an incentive not to publicize the benefit or make it easy to obtain. The Social Security Administration, which has frequent contact with older and disabled Americans, has no responsibility for this program. The Health Care Financing Administration's Medicare handbook does not even mention it.

That is why Congressmen MOODY, KOSTMAYER, and I have introduced the Qualified Medicare Beneficiary Enrollment Improvement and Protection Act, to take the wraps off this secret benefit and make it available to everyone who needs it. The act requires the States and the Department of Health and Human Services to reach out actively to eligible citizens and make sure that potential qualified Medicare beneficiaries know who they are and how to obtain the benefits we voted to provide them.

Specifically, the act requires local Social Security offices to take QMB applications; requires Health Care Financing Administration to include notices about the program in mailings to Medicare beneficiaries; establishes a toll-free QMB hotline; authorizes grants for States and nonprofit organizations to promote the program; and makes benefits retroactive this year. These and other improvements in the bill can make Medicare affordable for the first time for millions of Americans, as we meant it to be when we established the QMB program.

There is no excuse for keeping a vitally needed benefit a secret from 4 million eligible Americans. We should enact the Qualified Medicare Beneficiary Enrollment Improvement and Protection Act to assure that they get the help they need and deserve with today's high medical costs.

WOMEN IN SCIENCE, ENGINEERING, APPRENTICESHIPS, AND NONTRADITIONAL OCCUPATIONS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mrs. MORELLA. Mr. Speaker, the needs of American business and the face of the U.S. labor market are undergoing a dramatic shift from what we have known. To compete in the global economy today and in the future, businesses must have a highly skilled and productive work force. This work force, of which two-thirds of new entrants are women, is not prepared to meet the needs of our economy.

In an effort to support businesses and women in our changing economy, I am introducing the Women in Apprenticeship Occupations and Nontraditional Occupations Act and the Advancement of Women in Science and Engineering Act. The bills will be included in the Economic Equity Act of 1991, a package of bills to achieve better equity for women, scheduled for introduction next week.

The purpose of the Women in Apprenticeship Occupations and Nontraditional Occupations Act is to provide technical assistance to employers and labor unions to encourage the placement of women in apprenticeships and nontraditional occupations. Such assistance will enable business to meet the challenge of Work Force 2000 by preparing employers to successfully recruit, train, and retain women in these occupations and will expand the employment and self-sufficiency options of women workers.

Nontraditional occupations are those in which 25 percent or less of the work force is female. Examples of nontraditional jobs include electronic technicians, mechanics, and maintenance engineers. Apprenticed occupations include carpentry, painting and welding. These occupations pay significantly higher wages than the traditionally female occupations in which women are concentrated.

Women face significant barriers to their participation in nontraditional occupations and apprenticeships. They do not have adequate information about opportunities, they have few if any role models in these occupations, and they experience sexual harassment on the worksite. The business community must be prepared to address the barriers that women have to such jobs, in order to successfully integrate them into the work force.

This bill would provide $1 million to the Department of Labor to provide technical assistance to employers and unions in recruiting, training, and retaining women in nontraditional occupations and apprenticeships. It complements the Department of Labor's skilled trades initiative which will help women gain access to these occupations. Presently, few resources are available to employers and unions who need assistance in this area.

Although the number of women receiving degrees in scientific and engineering disciplines has increased since 1981, women scientists and engineers have higher rates of unemployment and underemployment than their male counterparts. Women account for nearly 46 percent of the United States' work force; yet in the fields of science and engineering, they are grossly underrepresented.

In the sciences, 24 percent of the positions are filled by women. The field of engineering looks even worse: only 8 percent of employed engineers are women. In terms of education, 28 percent of natural science doctoral recipients in 1989 were women. Engineering schools awarded doctoral degrees to 400 women who comprised 9 percent of the recipients in 1989.

Passing the Advancement of Women in Science and Engineering Act is a first step we should take to counter roadblocks for women in the fields of science and engineering. The act provides for the establishment of a commission to more closely examine the barriers facing women in these highly skilled fields.

The charge of the commission is to examine the future U.S. work force needs in the fields of science and engineering. The commission will also review educational preparedness of women to meet these needs and will research successful practices and policies relating to recruitment, retention and advancement of women scientists and engineers. Through the compilation of this research, the commission will be able to present much needed information from which both educators and employers can build models for success.

Both the Women in Apprenticeship Occupations and Nontraditional Occupations Act, and the Advancement of Women in Science and Engineering Act will bring us closer to creating a skilled work force and achieving overall economic prosperity.

CONGRATULATIONS TO VINNY PAZIENZA

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to congratulate Vinny Pazienza, of Cranston, RI, winner of the World Boxing Association junior middleweight title.

On Tuesday, October 1 at the Providence Civic Center Vinny "the Pazmanian Devil" Pazienza won the title from Gilbet Dele, of France. The fight was scheduled for 12 rounds and nearly went the distance. However, Vinny Pazienza's continuous punishment of the champion Dele finally paid off as the referee stopped the fight with 50 seconds remaining.

This is not Vinny Pazienza's first experience as a world champion. Pazienza had been the International Boxing Federation lightweight champion after winning that title from Greg Haugen in 1987. He later lost that title to the former champion Greg Haugen. Since losing that title Vinny Pazienza had made several attempts at regaining a world championship before announcing his retirement at the beginning of the year. Most in the boxing world believed that Pazienza's illustrious career had come to an end.

A short time after announcing his retirement the rejuvenated Pazienza moved up to the junior middleweight class, and he made quick work of regaining a world championship. Despite his retirement a short time ago, many in the boxing world agree that Pazienza is fighting better than ever.

Vinny Pazienza has had great success in the boxing ring since turning professional. He has compiled a 31–5 record, with 4 of those losses coming in title fights. He has never lost in front of his hometown crowd at the Providence Civic Center.

I ask that my colleagues join me in congratulating Vinny Pazienza, the new WBA junior middleweight champion of the world. I wish Vinny Pazienza the best of luck in his future defense of the world title.

TRIBUTE TO THE PAST PRESIDENTS OF THE TOMS RIVER, NJ, JEWISH COMMUNITY CENTER AND TEMPLE BETH SHALOM OF TOMS RIVER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, October 6, 1991, the past presidents of the Toms River, NJ, Jewish Community Center and Temple Beth Shalom of Toms River will be honored in what I am sure will be an extremely moving and memorable ceremony.

Temple Beth Shalom was started in October 1982 with 20 families and two student rabbis who served on weekends for services and taught Hebrew School. The many years of hard work by the leaders and members of the Jewish Community Center had laid the foundations for a congregation that continues to grow and prosper.

During the early to mid-1970's, the office of president of the Toms River Jewish Community Center was shared by three of its members, all long-time residents of Toms River. Mildred Robinson began with the organization when it was just a meeting place for the Jewish farmers in what was once a largely rural area. Al Abramowitz, who worked for many years in the construction industry, continues to serve on the board of trustees and on various committees within the Temple. Hans Ehrmann was one of Toms River's original egg farmers. Mr. Ehrmann has since passed away, and is remembered fondly for all his construction to the Community Center.

Fred Frankenberg served as president from the later 1970's until 1982. It was near the end of his term that the Community Center approached the Hebrew Union to seek membership as a Reform Temple. Irv Horowitz was the first president of Temple Shalom, a position he held from 1982 through 1984. Mr. Horowitz was the driving force behind efforts to construct a modern facility. Sadly, he passed away suddenly just as the project was beginning, and did not have the opportunity to see his dream fulfilled. Arthur Berkley served as president from 1984 through 1986 and still retains an active Board of Trustees seat, and also heads several committees. It was during Michael Gottesman's 2-year term (1986–88) that the Temple's first full-time rabbi was hired and construction began on a parsonage. Barry Klein served as president during the years 1988–90, during which time the parsonage

was completed, plans were begun for expansion of the present facility and major fundraising initiatives began. Current president Barbara Klein began her term in 1990 and will serve through the spring of 1992. She has continued to build on the fine work of her predecessors, and has followed through with the hiring of a second full-time rabbi.

Mr. Speaker, I take great pride in paying tribute to my constituents from Toms River who, through dedication, hard work and a strong sense of faith and community, have built a house of worship and community center literally from the ground up. I salute all of those whose leadership made growth of Temple Beth Shalom and the Toms River Jewish Community Center possible, and I extend to them every best wish for their future growth and success.

TRIBUTE TO MAYOR TUCKER

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. DYMALLY. Mr. Speaker, although he has only been the mayor for a short time, Walter R. Tucker III has already begun implementing many of his campaign promises. Not only is he fulfilling his father's dream, but he is also making his own vision for the city of Compton a reality, beginning with the development of a new general plan for the city, and establishing Compton's first annual "Unity Festival and Summit Conference."

Born and raised in the city of Compton, except for the time he was away at law school, Tucker has resided there his entire life. Tucker is the second born, and the oldest son of the late Mayor Walter R. Tucker and Martha H. Tucker.

The 34-year-old attorney graduated valedictorian from Compton High in 1974. He earned his bachelor of arts degree in political science from the University of Southern California in 1978, graduating with honors. Tucker earned his law degree from Georgetown Law Center, Washington, DC in 1981. While in Washington, Tucker worked for the prestigious law firm of Segrue, Rothwell, McPeak, et al.

After passing the California State Bar, he served as deputy district attorney for the county of Los Angeles from 1984 to 1986. Since 1986, Tucker has practiced law in the city of Compton, specializing in criminal law.

He has been involved in politics since 1969, working over the years on his father's bids for school board and city council. Successfully coordinating his father's last two consecutive campaigns for mayor has made Tucker a veteran of politics. Whenever his father was unable to attend a speaking engagement, Tucker would represent him.

Tucker is a member of the South Central Bar Association, Los Angeles Bar Association, Langston Bar Association, Kiwanis Club of Compton, Rotary Club of Compton, Compton juvenile delinquency panel, life member of the NAACP, and numerous other organizations. Tucker, a Christian, is an ordained minister, and is actively involved in his church, Bread of Life Christian Center, where he serves as a Sunday School teacher. Tucker has volunteered countless hours to various youth [anti-gang programs such as those sponsored by the prestigious Constitutional Rights Foundation, and has innovative ideas for the development of additional youth programs.

Tucker's charismatic appeal, genuiness, and humility have endeared him to his constituents, and gained him the respect of his peers. His compelling skill as an orator has made him one of the most sought after speakers. In his mission to change the image of Compton, he maintains a full schedule of public guest appearances. He has appeared on several cable television programs and radio shows. Most recently, he joined the mayors of Beverly Hills and Santa Monica on the Michael Jackson Show, "KABC Talk Radio," to address the question, "What Is It Like To Be Mayor In Your City?"

As a testimony of his compassion for all of the people he serves, during an impromptu interview with a newspaper reporter, he was approached by an extremely modestly dressed man. Pausing for a moment, he reached into his pocket and handed the man some money. The reporter asked, "Who's that?" He replied, "Just a citizen, like you and me."

TRIBUTE TO MARTHA W. MURPHY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Martha W. Murphy of my 17th Congressional District. Mrs. Murphy is retiring after 18 years as the executive director of the District XI Area Agency on Aging.

Mrs. Murphy has devoted herself to helping others since 1942, when she was the executive director of the Catholic Charities Bureau in Ravenna, OH. In 1947 she married Robert M. Murphy, with whom she had five children, R. Terrance, Mary Eileen, Richard, James, and Kevin. In 1969 Mrs. Murphy began working at the Catholic Charities Diocese of Youngstown as its administrative assistant. From 1973 through 1974 she was the director of the Mahoning County Areawide Project on Aging. In 1974 Mrs. Murphy began working at the District XI Area Agency on Aging as the executive director.

Mrs. Murphy has made great stride for the elderly in our community since taking over as executive director of the agency. She formed a regional support network, which provides adult day care, chore service, counseling, home delivered meals, medical supplies, and transportation which make it possible for many older citizens to stay in their homes instead of going to nursing homes.

Mrs. Murphy has devoted the majority of her life to helping her fellow citizens, especially the elderly. Her contributions to our community are without measure and I know I share the sentiment of many others when I say she will be greatly missed.

TRIBUTE TO THE PROTECTION OF THE VIRGIN MARY ORTHODOX CHURCH IN GARY, IN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. VISCLOSKY. Mr. Speaker, on September 28, 1911, the formation of the Protection of the Virgin Mary Orthodox Church in Gary, IN was brought to fruition under the dedication of Orthodox Christian pioneers of Slavic ethnic heritage. These people had moved to Gary in search of employment in the vast industrial expanse created by a burgeoning steel industry. That area on the shores of Lake Michigan, which at one time was only a mire of sand dunes, marshes and bogs, progressively emerged into an industrial stronghold and a tremendous ethnic melting pot.

Services for the Protection of the Virgin Mary Church were first held at a location on the corner of 13th Avenue and Madison Street; however, due to the lack of sufficient funds for rental and upkeep, the first elder of the parish, Kondrat Krenitsky, provided a room in his house for religious services. On November 22, 1911, the first permanent pastor of the parish, Rev. Benjamin Kedrovsky, arrived in Gary to assume full pastoral duties. He maintained this position until 1957.

On September 8, 1912, their new church, locally referred to as St. Mary's, was dedicated and consecrated. By midcentury, St. Mary's was firmly established due to the tireless efforts of Father Benjamin Kedrovsky, who was elevated to the rank of Right Reverend by the Holy Synod of Bishops in 1951. In 1957, Father Sergei Garklavs became the assistant rector of St. Mary's, a position he maintained until he assumed the role of parish leadership in 1959, when Father Benjamin retired.

St. Mary's parish continued to grow and soon it became necessary to construct a new church structure. On January 1, 1962, His Eminence Archbishop John officiated at the consecration of the new church, located at 505 East 45th Avenue. It was a truly wonderful day for St. Mary's on October 17, 1965, when the parishioners retired with much pride the debt at a formal mortgage burning ceremony.

The parishioners of St. Mary's have always been active and generous in their support of Orthodox causes and projects. They have donated their money to such projects as the construction of a permanent shrine in San Francisco for the Miraculous Ikon, The Holy Virgin of Kazan and a midwest Diocesan Expansion Program.

During this commemoration of 80 years of Orthodoxy, it is also important to pay special homage to those people who have recently passed away. I would pause to remember Father Peter Rozdelsky who passed away in 1986, and Father Tom Brown whose life ended while completing the Divine Liturgy on August 4, 1991.

It is indeed an honor to pay tribute to the parish of the Protection of the Virgin Mary Orthodox Church in Gary as it celebrates its 80th year of existence. Its good people and strong sense of community are what continue to rein-

force St. Mary's as a timeless piece of history in northwest Indiana.

REPUBLIC OF CHINA ON TAIWAN'S NATIONAL DAY

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. LAROCCO. Mr. Speaker, October 10 is the National Day of the Republic of China on Taiwan, and its people will certainly have great cause to celebrate.

Over the last few years, Taiwan has made significant strides in its march towards democratization. During a recent trade mission to the Republic of China with my colleagues, Congressmen GEORGE SANGMEISTER and TIM JOHNSON, I was proud to observe a culture well on its way to freedom. In July 1987, Taiwan abolished martial law, greatly enhancing the rights of assembly, speech, and press. Moreover, hundreds of thousands of Taiwanese citizens have now been allowed to return to mainland China and visit their relatives and friends. Indeed its citizens are, for the first time, coming to understand the liberties and rights which we in the United States have held dear for so long.

Taiwan's political success will, I hope, be a good example to other countries aspiring for political change and democratization. I extend my congratulations to President Lee and Premier Hau of the Republic of China on Taiwan.

THE QUALIFIED MEDICARE BENEFICIARY PROGRAM

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. MOODY. Mr. Speaker, today I join with my colleagues PETER KOSTMAYER, JIM MCDERMOTT, and more than 30 other Members of Congress to introduce the Qualified Medicare Beneficiary Enrollment Improvement and Protection Act of 1991.

This legislation will put teeth into the existing Qualified Medicare Beneficiary Program [QMB] passed by Congress 3 years ago but neglected until now. QMB law requires Medicaid to cover the premiums, copayments, and deductibles for low-income Medicare seniors with annual incomes below $6,620 and assets below $4,000. Couples must have annual incomes below $8,800 and assets below $6,000.

But this admirable program is not being fully implemented or explained. It is unconscionable that a full 3 years after QMB's enactment over 2 million eligible seniors—almost half—do not even know the program exists. HHS has done a dismal job of informing seniors of the law.

Many months ago a number of us wrote HHS to urge them to remedy this information gap, but we have seen no changes. The administration has shown that we must force their hand if we wish the law to help low-income seniors to be translated into reality. HHS' promises to publicize the program have proven empty. We must act legislatively to require HHS to make this program widely understood among seniors and remove the current barriers to application. And we must reach back to make some partial reparation for the lack of effort shown so far.

Our bill would: First, require HHS to include a brief description, and preliminary application, of the QMB Program in the yearly Medicare notice; second, allow seniors to obtain applications and return completed ones to the local Social Security Office; third, expand public awareness efforts; fourth, provide States the option of allowing poor seniors to spend down—deduct their incurred medical expenses—to reach the QMB income level; and fifth, implement a limited retroactive provisions so that eligible senors who were denied benefits for lack of information get partially compensated.

This bill does not make new policy for low-income seniors. The policy has already been declared. We simply make this policy a reality for the 2 million eligible seniors who are still unaware of the benefits. The Congress opened the door to health care for these particularly needy seniors, but the administration has blocked the entrance.

We would also like to thank Phyllis Torda from Families USA and Dan Schulder with the National Council of Senior Citizens for joining us here today and for all their assistance in producing this bill. Their help was instrumental in quantifying the number of seniors not currently participating in the Qualified Medicare Beneficiary Program. In addition, their field operations perform valuable services to seniors around the country. Without the work of these organizations, there would be far more than 2 million seniors unaware of the QMB Program.

I urge my colleagues in the House of Representatives to join us in cosponsoring this important legislation. it is our duty to ensure that low income seniors are made aware of the program and are easily able to apply for it. A more detailed summary of the bill follows:

SUMMARY

1. REQUIRE DESCRIPTION OF MEDICARE COST-SHARING PROTECTION IN ANNUAL NOTICE SENT TO MEDICARE BENEFICIARIES:

Each year Medicare sends a notice to Medicare beneficiaries. Our bill would require HHS to include a clear, simple explanation of the QMB program and how to apply for the benefit in this notice. Such explanation would also include any changes in eligibility requirements from the previous year and include the phone number for the consumer toll-free hotline (described below). A preliminary QMB application would also be included.

2. PUBLICIZING THE QMB PROGRAM

To increase public awareness of the QMB program, HHS would develop a poster describing the program. This poster would be distributed to hospitals, physicians, and other health care providers for display in their offices. The posters would also be given to community groups active with senior citizens.

Toll free hotline—Establish a toll free number for beneficiaries to obtain information on the QMB program.

3. USE OF SOCIAL SECURITY OFFICES FOR RECEIPT OF APPLICATIONS FOR QMB PROGRAM

Part of the current stigma preventing seniors from even applying for the QMB benefits is that they are required to go to a state welfare office to apply. Our bill would require that states establish a process for distribution and receipt of applications for the program at the Social Security office. In addition, personnel of such offices shall be trained to assist with the completion of the application form. The Social Security office would then transfer the application to the appropriate state office for processing.

Distribution form for an application—The Secretary shall also develop a form that contains a clear description of the QMB benefit in English (and other languages as appropriate). This form must include a pre-addressed reply card that an individual may mail to the agency administering the state program to receive an application and additional information of the program. This form will also be made available to community groups participating in programs designed to provide services to senior citizens. The state would be required to respond by mail to these requests within 30 days upon receipt.

4. ELIGIBILITY

When a person is determined to be eligible for QMB benefits, such eligibility will be considered valid for 12 months from the date of application.

In addition, the benefits will retroactively cover three months prior to application. This would be identical to Medicaid.

5. RETROACTIVITY

Individuals who apply for the QMB benefit who were entitled to the benefit in 1991, but did not receive it would be retroactively reimbursed for those benefits—if they apply during the first year of this law being in effect.

6. OPTIONAL SPENDDOWN

Under current law, while Medicaid recipients are allowed to spenddown in states that choose to provide that option—deduct their Medical expenses from their income to meet the Medicaid income requirements—QMBs cannot spenddown. This section would simply allow them to do so, but only for incurred portions of their medical bills.

7. GRANTS FOR OUTREACH

A grant program will be developed to groups who establish and operate an information, counseling, and assistance program to help people who may be eligible for QMB benefits to understand and apply for the program.

Grants will be split with 50% going to states and 50% to community groups active with seniors. Such funds would be used for programs to provide information on the QMB program and assistance with applications—the funds could not supplant current funds expended for such efforts.

Funding levels: In equal parts from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund, $30,000,000 for FY 1992-94 and $10,000,000 for later years.

DALAI LAMA'S MESSAGE OF HUMAN KINDNESS OFFERS A PRAGMATIC POINT OF DEPARTURE FOR NEW WORLD ORDER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. GILMAN. Mr. Speaker, on September 26, 1991, His Holiness, the Dalai Lama of Tibet, arrived at Sheremtyevo Airport, Moscow, on his way to Ulan Bator, the Capital of Mongolia. At an airport press conference he said:

Freedom is the most important condition on the road to happiness. I admire the fact that Soviet people have gained freedom in a nonviolent manner. The 1917 October revolution in Russia was accomplished by means of force. The 1991 August revolution was accomplished in a nonviolent way. Availing myself of the opportunity, I ardently congratulate Soviet people on the historic triumph.

However, democracy does not mean that all problems get resolved upon the gaining of freedom. Democracy signifies that people now assume a great responsibility, I think the most important thing is determination, calm, and patience based on compassion and forgiveness. If democracy is accompanied by responsibility and a sense of self-discipline, it has a bright future.

Asked about the purpose of his 3-day visit to Mongolia, the Dalai Lama said:

My trip to Mongolia, which has much in common with Tibet, is exclusively a peacemaking one. I was invited by Mongolian Buddhists and, naturally, a public prayer and the delivery of sermons are the main events in my programme.

I will strive to see everything new that has emerged in Mongolia as a result of tempestuous democratic processes.

After visiting Mongolia, the Dalai Lama went to the Baltic States.

On September 29, His Holiness, the Dalai Lama, arrived in Vilnuis, Lithuania, for a 3-day visit at the invitation of President Vytautas Landsbergis of the Supreme Council of the Republic of Lithuania.

His Holiness met with President Vytautas Landsbergis and other senior government officials. His Holiness was the first foreign leader to address the Parliament of the independent state of Lithuania on October 1. While in Vilnuis, His Holiness took part in an interfaith service and met the religious leaders of the country.

Today His Holiness arrived in Riga, Latvia, at the invitation of the foreign affairs committee of the Supreme Council of the Republic of Latvia. He will meet with President Anatolijs Gorbunovs, the Members of the Parliament and address the University of Riga.

His Holiness will then visit Estonia on October 3 and 4 at the invitation of Congress of Estonia. While there he will address the Council of Estonia in Tallinn and give a talk at the University of Tartu.

His Holiness is then scheduled to pay a 1-day visit to Sofia, Bulgaria.

While in Vilnius, he addressed the Parliament. His statement was very moving and offers an historic opportunity not only for Lithuania but for the entire world. He points out that the nonviolent methods Lithuania used to win its freedom is something that her leaders must continue to utilize in the future, both domestically and internationally.

As our Nation considers the shape of what a new international order might look like, it would behoove all of us to listen closely to this man's pragmatic message of love and compassion. We should set our sights high and seek to institutionalize a framework incorporating a more human approach to our foreign affairs policies; one that is based on the long term goals of freedom, democracy, and human rights. Not the short term ones of narrow economic gain.

Politically pluralistic societies are far more economically sound than nations ruled by totalitarian regimes. The former offer a stable and creative investment environment, while the latter perpetuate waste and stagnation.

I urge my colleagues to read His Holiness the Dalai Lama's speech and I request that they be printed in full at this point in the RECORD:

ADDRESS BY HIS HOLINESS THE DALAI LAMA OF TIBET TO THE PARLIAMENT OF THE REPUBLIC OF LITHUANIA

Mr. President, Honorable Members of Parliament, Brothers and Sisters, today is a very special day for me. I am very happy and very touched to be here with you. For a long time I have wanted to visit your country and convey to you the warm feelings of understanding and solidarity felt by the Tibetan people. I am happy to be able to do so now, and to share with you the celebration and joy arising from the recovery of your freedom.

I admire very much the strong determination of the Lithuanian people who have maintained the struggle for freedom during more than fifty years of occupation. Your efforts have helped set in motion a global awareness of the legitimate right of all peoples to self-determination.

I am especially impressed by the non-violent path you have chosen to follow. I am a firm believer in non-violence, on moral, as well as practical grounds. Using violence against a strong power can be suicidal. For countries like ours, the only hope for survival is to wage a non-violent struggle founded on justice, truth, and unwavering determination. You, the people of Lithuania, under the leadership of President Landsbergis, have set a new example for others, like my people, to be inspired by. You have strengthened our belief that non-violence is the correct path and renewed our hope that we too will one day regain our lost freedom through peaceful means.

Your role as an inspirational force has not ended with the success of your struggle for freedom. In truth, it has just begun. With the eyes of the world now focused on Lithuania, you have the rare and important opportunity to continue your exemplary work. You will face many challenges in coming years. During this critical period, fundamental principles must not be sacrificed on grounds of expediency. Of particular importance is your continuing commitment to the principles of self-determination and non-violence. Just as you steadfastly adhered to them in regaining your freedom, so should you rely on them in the future in relation to other peoples and countries, and in safeguarding your security.

There is a growing awareness in the international community of the danger posed by the heavy reliance on military strength and the trade in arms and weapons, including those of mass destruction. Total disarmament will be difficult but, I believe, necessary in the long run. Costa Rica, a small country in a strategic and very turbulent area, abolished its army in 1948. I am sure most people thought the situation could not last. Yet, that country has maintained its integrity without an army for over 40 years. Following Costa Rica's lead, your renewed commitment to non-violence could provide the needed impetus for global disarmament. A principled stand to defend your recently regained freedom without resorting to force would be truly inspiring.

From a purely practical perspective, it sometimes seems that by using violence a problem can be solved quite quickly. But, if you succeed through violence at the expense of others' rights and welfare, you have not solved the problem, but only created the seeds for another. The principles of democracy, justice and equality should be applied equally in domestic as well as in international relations.

In order for there to be true stability and lasting peace throughout the world, violence must be eliminated. I have always believed this. In the Five Point Peace Plan which I proposed to China in 1987, and in more recent statements, I have emphasized that Tibet must be completely demilitarized and restored to its previous status as a zone of peace. Elimination of violence is not as difficult a task as it may initially appear. Only a small proportion of the World's five billion people are engaged in acts of violence. The overwhelming majority are engaged in acts of loving, caring and sharing. It is thus my belief that in the human mind, the dominant force is not violence, but, on the contrary, compassion and peacefulness.

As I mentioned earlier, I believe that while recognizing the importance to Lithuania of cooperating with other governments to ensure future political and economic security, the freedom to act in accordance with your own moral precepts must not be compromised for short term gains. Remaining true to principles which have served you so well in the past, especially support for the side of truth, freedom and democracy, will provide a compelling example which will be followed by others.

In structuring needed economic reforms you will also encounter hardship, requiring sacrifices by all. Throughout these trying times, responsiveness to the needs of the individual, rather than adherence to abstract theory, should, I believe, guide your actions.

Religion can play an important role in developing a compassionate society based on mutual respect, tolerance and human well being. I feel that all religions have essentially the same message, although their philosophical approach may be different. The essence of religion is love and compassion. In my own experience, I have seen that the sincere practice of religion and its application in daily life produces similar attitude in people, regardless of the religious doctrine they follow. Of course, sometimes religion has been used to create divisions and problems between people. That is very unfortunate and sad, because I believe religion should do the opposite: it should develop harmony, compassion and understanding among people. The fact that there are differences should not create conflict. It is useful to have different religions so that people can practice the religion that best fits their mental disposition. What is important is that religious practitioners, especially religious leaders, should work in harmony with the common aim of converting the hearts of people to become good hearts.

I thank you for the warm welcome which I have received in this country by the government and the people. We are all the same human beings. Although we may look a little different externally, we have the same feelings inside. When I travel like this, I meet people like you, like my friend President Landsbergis, Just as ordinary human beings meeting each other. I am just a simple monk, a simple human being. So when we meet, we must develop a heart to heart communication. So, here this time, I have a warm feeling of friendship, love and understanding between us. That is the most important.

All people and things are interdependent. The world has become so small that no nation can solve its problems alone, in isolation from others. That is why I believe we must all cultivate a sense of universal responsibility, based on love and compassion for each other. We must recognize that the suffering of one person of one nation is the suffering of all humanity. That the happiness of one person of nation is the happiness of humanity. We must therefore develop a sense of responsibility for each other's condition. We must see that hurting someone else, or inflicting pain on other people, cannot bring happiness or peace of mind. Only the development of compassion and understanding for others can bring us the tranquility and happiness we all seek.

In our own case, the case of Tibet, we have tried to struggle for freedom without developing hatred for the Chinese who invaded and occupied our country. Like you, we were fully independent at the time of our neighbor's aggression. We were forced to sign an agreement with the Chinese for the so called "peaceful liberation" of Tibet in 1951. We have remained under the illegal occupation of a military force of about half a million troops for the past 40 years. One fifth of our population of six million died as a result of the occupation. We cannot free ourselves from this tyranny without the support of freedom loving people outside Tibet. Your moral and political support are essential ingredients of our non-violent struggle. So we too are dependent on the conduct of others. In turn, our actions will affect the lives of others just as your newly regained freedom affects all of us.

So I am happy because your victory is a victory for truth, patience, and above all, human spirit and determination. It is, therefore, a victory for principles I believe in. It is a happiness the whole world should share in. At the same time, it makes me a little sad. I wish my people's suffering would also come to an end and that they too could celebrate such freedom in their own country today. But your success gives us hope that some day soon we too will celebrate. When we do, we invite you who have shown such friendship in our time of need to rejoice with us.

Thank you.

EXTENSION OF THE FEDERAL HIGHWAY PROGRAM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. MICHEL. Mr. Speaker, as the Members know, authorization for the Federal highway program, and the 65 mile-per-hour speed limit, expired on Monday, September 30. I am today introducing legislation to extend that authorization for another 60 days, through November 30.

Mr. Chairman, I think it is a crime that in view of the current recession and the number of unemployed in this country, the Democratic leadership in Congress has allowed one of the most significant Federal job creation programs to expire without lifting a finger.

It is clear that the way things are going, we are not going to have a new highway bill enacted until well into next month. Within that time frame, without a short-term extension of the existing highway program, some 10 States will have run out of funds, and another 10 States will be on the verge of exhaustion.

The result will be an estimated loss of 22,000 jobs and $1.3 billion in output in the construction industry alone, and a total of 87,000 jobs lost and $5.9 billion in dollar losses when residual impact is taken into account.

All this can be avoided if we simply pass this 60 day extension bill. This is a jobs preservation bill, and if we are truly concerned about unemployment, this is the bill above all others that should receive emergency treatment by this body.

Beyond the jobs issue, the bill would keep in effect the 65 mile-per-hour speed limit. Authority for the 65 mile-per-hour limit expired along with the regular highway authorization on Monday. A great deal of havoc is in prospect if the States have to change the limit back to 55, only to raise it back to 65 again when we enact the new highway bill. So, by enacting this bill, we retain sanity on the highways.

IN MEMORY OF JEANNIE DRINKWINE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. DE LUGO. Mr. Speaker, I rise to express my sincere condolences to the family and friends of Jeannie Drinkwine whose sudden and untimely death last week came as a shock to the many who knew and loved her.

Jeannie worked tirelessly for nearly 20 years to help make the Virgin Islands one of the strongest charter yachting ports in the Caribbean. As executive director of the Virgin Islands Charter Yacht League, she was instrumental in developing and maintaining one of the most important industries in the territory.

Many were the times when she was called upon to assist in advising me about charter yacht issues and legislation important to the health of this segment of our tourism economy.

Many were the times she made sure that visiting dignitaries enjoyed a sail in the lovely waters surrounding the Virgin Islands.

Jeannie was only 51 years of age when she died. But in that brief time she did more for her community, building the yachting industry and the Virgin Islands economy as a whole. And all the while, she did it with her low key charm, her professional skill, and her love for the people and the islands that were her home.

We will miss Jeannie Drinkwine. She was one of our finest lobbyists helping to win friends for the Virgin Islands because she cared so much about the Virgin Islands. Particularly to her husband, Paul, and her son, Lawrence, I offer my heartfelt sympathies. May she rest in peace.

TRIBUTE TO MR. CURTIS LYNN

HON. CALVIN DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. DOOLEY. Mr. Speaker, on Friday, October 4, in my hometown of Visalia, CA, friends and family will gather to pay tribute to Curtis Lynn, who is retiring after many years of dedicated service as the county director of the University of California Cooperative Extension Office.

Those who have had the pleasure of knowing Curt would agree with me that this honor is well-deserved. Curt has dedicated his life, through work and community service, to the betterment and enrichment of California agriculture.

The devotion this native Californian has for agriculture stems from early childhood influences. Curt was born in the rural town of Selma, CA, in 1929, and was raised there on the Lynn family farm. His initial attraction to the land and its fruitfulness extended through Curtis' education. He attended California State University of Fresno, where he obtained a bachelor of science degree in horticulture. Shortly after, he earned his master of science degree in horticulture at the University of California at Davis.

The knowledge Curtis gained, combined with the devotion he felt, led him to an influential career in the developing field of California agriculture. After receiving his graduate degree, Curt became the viticultural farm advisor in Fresno County. He remained in that position for 13 years where he managed programs involving growth regulators, training and grape trellising, vineyard management, and raisin and table grape quality.

In 1970 Curt became the Tulare County director of the University of California Cooperative Extension. The 21 years he has spent in that position have been enormously successful. Curt not only managed operations, personnel, and the budget of the Cooperative Extension office, but he conducted educational programs in resource management, which focused on water and agricultural environmental issues.

Curt's dedication to building public knowledge of the importance of California agriculture has led to many other accomplishments and responsibilities within his chosen carrier. Curtis has written for and been recognized by more than 60 scientific and popular publications concerning important agricultural practices and management. He has also served on approximately 90 University and public committees, including task forces at the local State and national levels.

Curt's expertise has led to extensive travel, not only throughout the United States and Canada, but in Europe as well. For 10 years

he served as a consultant for the World Bank for horticultural development projects in both Romania and Yugoslavia.

And even now, as he faces retirement, Curt has expressed his desire to maintain an active position within the ever developing world of agriculture. He plans to consult on agricultural development projects and environmental studies in agriculture and resource management, particularly water and land use.

It takes a special man to commit his life so completely to one of the most valuable industries in the country. Through the years that I have known Curtis, I have always respected him as a friend and a professional. I have admired his ability to be a leader and an educator in a field that is close to my own heart. Now, I have the opportunity to thank him for his years of hard work and congratulate him for a lifetime of outstanding achievements. I ask my colleagues to join his family and friends, in honoring Curt Lynn for the extraordinary dedication he has shown to the world of agriculture.

INTRODUCTION OF LEGISLATION TO ABOLISH THE RESOLUTION TRUST CORPORATION

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. SCHULZE. Mr. Speaker, we have allowed the Resolution Trust Corporation—the RTC—to muddle along aimlessly for far too long. Today, I am introducing legislation which would give the RTC 6 months to dispose of the properties under its purview, then abolish that agency.

While the creation of the RTC was rooted in good intent, from its inception the RTC has proven itself to be a bureaucratic and slovenly nightmare.

In fact, if we keep pumping new life into the RTC in the form of billions in taxpayer dollars, the RTC will only perpetuate the savings and loan crisis, not hasten its end.

By forcing the RTC to sell off the remaining holdings under its care, we will also help create investment opportunities for Americans of all income levels.

I urge my colleagues to help me put the RTC out of its misery.

THE MASSACRE AT BABI YAR MUST NEVER BE FORGOTTEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. TOWNS. Mr. Speaker, I join with my colleagues, Congressman SOLARZ and Congressman FEIGHAN in reflecting on the single most tragic event during the Holocaust: the massacre at Babi Yar. On September 29 and 30 in 1941, 36 hours of continuous shooting left 33,771 Ukrainian Jews slaughtered at the hands of German invaders. According to accounts in official German documents and from Soviet eyewitnesses, the machinegunners worked for an hour at a time and then were relieved by another crew. Few of us can help but shiver at the name Auschwitz, yet even the peak of the destruction there does not come close to equaling the horror of Babi Yar. In just 2 days 33,771 Jews of Kiev were executed. Einsatzgruppen "special-duty troops" were trained in military tactics and mass-murder techniques. This horrendous act of savagery must never be forgotten to ensure that it will never be repeated.

TRIBUTE TO THE REPUBLIC OF CHINA ON TAIWAN ON ITS 80TH BIRTHDAY

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. MILLER of Washington. Mr. Speaker, today I salute the Republic of China on Taiwan on the occasion of its 80th birthday. Taiwan's many successes—in the international marketplace, in its relationship with the United States, in its commitment to democracy—will certainly continue and grow with the coming national elections this winter.

Taiwan, an ally and friend, deserves our support. Particularly, I applaud President Bush's support for Taiwan's bid to join the GATT and other international organizations. This is especially appropriate for a country that has set such high standards economically and continues to make dramatic progress toward full democracy.

Happy 80th to the people of the Republic of China on Taiwan this October 10, 1991.

SALUTE TO NJ STATE DARE DAY II

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. ZIMMER. Mr. Speaker, yesterday thousands of New Jersey schoolchildren celebrated NJ State DARE Day II.

DARE, drug abuse resistance education, is a nationwide program that brings together law enforcement officers, educators, parents and community leaders to teach young people about the dangers of drug abuse.

The program in New Jersey is just 3 years old, but it has grown almost 10-fold in that time.

DARE is exactly the kind of program that America needs if we are to win the war on drugs because it encourages everyone in the community to take responsibility for keeping kids away from drugs. This program offers one of our best hopes for breaking the cycle of drug use and dependence.

I ask my colleagues to join me in commending the police officers who contribute their time and their expertise to help to keep our youth away from drugs and in saluting the young people who participated in DARE Day II.

HONORING THE LIONS CLUB OF THE ISLIPS ON THE OCCASION OF ITS 45TH ANNIVERSARY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. DOWNEY. Mr. Speaker, it is with the greatest pride that I rise today to pay tribute and to share with my colleagues the long and dedicated service of the Lions Club of the Islips, which on October 19, 1991, will be celebrating its 45th anniversary of service to the community.

Throughout its 45-year history, the members of this organization have raised more than $500,000 through many diverse activities such as raffles, pancake breakfasts, golf outings, dances, boat rides, and minstrel shows. The club has used these funds to provide local community residents with free eye examinations and eye glasses, kidney dialysis equipment. TTY machines for the hearing impaired as well as baskets of food and clothing for needy residents at Christmas time.

Mr. Speaker, this very generous group of dedicated individuals has provided donations to organizations such as the Guide Dog Foundation for the Blind, the Vacation Camp for the Blind, the Long Island Eye Bank, the Empire State Speech and Hearing Clinic, the Cleary School for the Deaf, the Interdisciplinary School, local libraries, and youth organizations. In addition, the Lions Club of the Islips is unique in that it is one of a few service organizations in New York that has a free loan program of hospital equipment available. It is also one of the few Lions clubs which has conducted an annual blood drive for more than 40 years. The hard work demonstrated by the members of this club for their significant and lasting contributions to the Islip community deserves to be publicly commended.

Mr. Speaker, I would like my colleagues in the House of Representatives to join me in congratulating the Lions Club of the Islips on its 45th anniversary and in extending them our best wishes for many years to come.

1991–92 U.S. CONGRESS-BUNDESTAG YOUTH EXCHANGE PROGRAM

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. MAVROULES. Mr. Speaker, I rise today with the pleasure of commending two of my constituents who were chosen as winners for the 1991–92 U.S. Congress-Budestag Youth Exchange Program. The U.S. Congress-Bundestag Youth Exchange Program is jointly funded by both legislative bodies and is intended to create a better understanding among American and German youth of the importance of their countries' alliance.

Cora L. Neumann of Marblehead, MA and Kimberly A. Wilson of Topsfield, MA are 2 of the 302 American high school students who were chosen from 1,400 high school sophomores and juniors who were nominated by

their teachers and school principals. The selections are based on merit. For 1 year, beginning in July of 1991, these two outstanding students will study in a German school and live with a German host family. At the same time, 300 German students will participate in a similar program in the United States.

It gives me a great honor to congratulate these two students on their achievement. I wish them the best of luck in all of their future endeavors.

U.S. ENGLISH RALLY

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. STENHOLM. Mr. Speaker, it is good to see this enthusiastic crowd here today to support making English the official language of the U.S. Government. As a Member of Congress, I am painfully aware of special interests that fracture the foundation and tear at the seams of our already fragile social fabric. It is encouraging to see such an ethnically and culturally diverse group supporting efforts to make English the common language of the U.S. Government.

This "Campaign for our common language" is an excellent opportunity for me to tell you why I have joined with my colleagues to make English the official language of Government. First, it just makes good, common sense. Something our Government could use more of.

America has its roots in the English Language. It was founded in English. The Declaration of Independence and the Constitution were written in English. The U.S. Congress conducts its business in English; the laws it makes are written English. At least 95 percent of the people who live in the U.S. speak English. For the most part, American industry and all levels of American Government conduct their day-to-day business in English.

There are those who say we really do not need a common language. They say a shared language does not mean that much anymore. The ethnic separatists who scorn assimilation into mainstream society say U.S. citizens actually have very little in common with the United States anymore. They say we are not a melting pot; we are a salad bowl. They claim English is just one of many languages in the cultural and ethnic mix.

I disagree. Dictionaries define a Nation as a group of people who share a common history, ethnicity, and language. This brings to mind the words of one of America's greatest Presidents who knew a lot about diversity and adversity. President Abraham Lincoln once said, "A house divided against itself cannot stand". In the United States, English is the common language. It is the glue that holds together this hodgepodge of ethnic and religious groups, races and nationalities in the United States; it is at the core of our Nation, and our democracy.

Individual liberties and freedoms are very important to me as they are to all Americans. It is true we are a diverse group of peoples sharing a land we call America and we should celebrate that diversity. It brings a richness to our country which cannot be found anywhere else in the world.

But as Americans, unity is as precious as diversity, and as an American I cannot support deliberate attempts to divide our society along language and ethnic lines. To me that is unamerican. One of the best ways to maintain our nation's unity for generations to come is to strengthen the most durable tie that binds us, our common language.

That is why I am here today, and that is why I am encouraging you to work vigorously for it during this "campaign for our common language".

REPUBLIC OF CHINA ON TAIWAN CELEBRATES 80TH BIRTHDAY

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. ESPY. Mr. Speaker, the Republic of China's 80th birthday is Thursday, October 10, 1991. What an appropriate time to reflect on the achievements of a friend and close ally. I congratulate the Republic of China on its impressive history and for its status as a major economic power, a strategic ally, and a model of evolving democracy.

Taiwan's accomplishments in trade and manufacturing, along with its dedication to free enterprise, are well known to us all. An island nation of 20 million people originally economically based in agriculture, now boasts foreign currency reserves of more than $75 billion, of which 68 percent is held in U.S. banks and securities.

Taiwan's leaders, such as President Lee Teng-hui and his predecessor, the late President Chiang Ching-kuo, have played an important role in Taiwan's present status as the world's 13th largest economic entity.

I have had the pleasure of visiting this nation, which is about the size of my Mississippi district on two occasions in the past 5 years, and on both visits I was equally impressed by the industriousness and persistence of its people. The Government of Taiwan has held tightly to the basic elements of democracy and is making lasting changes in its society to further democratic ideals.

It is my hope that Taiwan will experience more of the same economic progress and prosperity in its future as it has in its past. I am glad to work toward the strengthening of our relationship and urge the continuing economic and cultural exchanges between our countries.

TRIBUTE TO JOSEPH O. JORDAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mr. LEVIN of Michigan. Mr. Speaker, I rise today to pay tribute to Joseph O. Jordan, who is retiring after 30 years of faithful service as an officer and executive board member of the International Union of Operating Engineers, Local 547.

A resident of Dryden, MI, Joseph Jordan has been an involved citizen in his community. He has held numerous positions with local 547, including business representative, assistant business manager, recording corresponding secretary and financial secretary, the last position to which he was elected.

Joseph Jordan has served the State of Michigan on the Board of Mechanical Rules and is a member of the Michigan School Business Officials.

He is presently employed by the Macomb Intermediate School District as supervisor of buildings and grounds. In 1991, he was honored by being named Michigan School Business Administrator of the Year.

In addition to his active professional life, Joseph Jordan has a rich and rewarding family life. He has been married for 37 years to his wife Barbara, and has six children: Deborah, Matthew, Elizabeth, Michael, James, and Joseph.

I congratulate Mr. Jordan on his many years of distinguished service to local 547.

PROVIDING ADEQUATE PARKING SPACE FOR THE MICHIGAN CANCER FOUNDATION

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1991

Mrs. COLLINS of Michigan. Mr. Speaker, the Veterans Affairs Medical Center is being built in my district. Due to the construction of the medical facility, the Cancer Foundation has been forced to relinquish its parking facilities through the taking of the land by eminent domain.

The Michigan Cancer Foundation has grown over the years with its great and generous work for the Detriot metropolitan area, and is in desperate need of additional parking facilities. The foundation is located in a neighborhood which warrants safe and adequate parking to and from work for its employees. At this time the foundation, like many chartible organizations, is financially strapped and cannot afford to construct another parking lot for its benefactors and workers.

Yesterday the House passed the Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations bill. Under the VA construction section of the bill is a provision which requires the VA to construct parking facilities with at least 1,500 spaces at the Detroit VA Medical Center in my district. The VA facility is closely bordering the Cancer Foundation.

Mr. Speaker, the close proximity of the foundation and VA Medical Facility warrants the VA to sell or lease at least 50 of the 1,500 appropriated spaces to the Cancer Foundation. Such an agreement would be most feasible for both parties involved.

I urge the Veterans Administration to look into this situation and provide a solution that is both reasonable and fair for the Detroit metropolitan area which relies on both facilities for their fine and dedicated work.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 3, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 4

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to examine the status of Great Lakes Federal programs.
SD-342

Joint Economic
To hold hearings on the employment-unemployment situation in September.
SD-628

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Elaine L. Chao, of California, to be Director of the Peace Corps.
S-116, Capitol

Judiciary
Patents, Copyrights and Trademarks Subcommittee
Business meeting, to mark up S. 793, to authorize funds for fiscal years 1992 and 1993 for the Patent and Trademark Office, Department of Commerce.
SD-226

OCTOBER 7

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review global change research, focusing on the role of clouds in climate change.
SR-253

OCTOBER 8

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to examine whether the Federal government is making environmentally conscious decisions in its purchasing practices.
SD-342

OCTOBER 17

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the feasibility of auctioning radio spectrums.
SR-253

9:30 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on implementation of the Department of Energy's joint venture program for renewable energy.
SD-366

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 1687, to increase the capacity of Indian tribal governments for waste management on Indian lands.
SR-485

OCTOBER 22

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1315, to transfer administrative consideration of applications for Federal recognition of an Indian tribe to an independent commission.
SR-485

OCTOBER 23

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on the Future Structure of Veterans Health Care.
334 Cannon Building

9:30 a.m.
Governmental Affairs
To resume hearings to examine the employment and promotion opportunities in the Federal Government for women and minorities.
SD-342

OCTOBER 24

8:45 a.m.
Office of Technology Assessment
Board meeting, to consider pending business.
EF-100, Capitol

OCTOBER 29

9:30 a.m.
Select on Indian Affairs
To hold joint hearings with the House Committee on the Interior on H.R. 1476, to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona.
SR-485

POSTPONEMENTS

OCTOBER 3

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings to examine telecommunications reliability as related to aviation safety.
SR-253

2:00 p.m.
Foreign Relations
European Affairs Subcommittee
To resume hearings on consolidating free-market democracy in the former Soviet Union.
SD-419